

## Chapter 1 AGREEMENT

### Scope of Agreement and Fiscal Accountability

This Performance Partnership Agreement (PPA) covers the following environmental programs for fiscal year 2005

- Air Protection
- Water Protection
- Public Water System Supervision
- Groundwater
- Hazardous Waste
- Underground Storage Tanks
- Environmental Indicators
- Multimedia Programs

The work plans for all these programs are contained in the PPA.

A number of the covered programs are federally delegated and federally supported and are administered by EPD.<sup>1</sup> A Performance Partnership Grant is the federal funding accompanying this Agreement for the grant categories listed below. The Performance Partnership Grant allows EPD to consolidate its categorical program grants into a single environmental management grant. EPD is consolidating the below listed eligible grants and/or cooperative agreements in this fashion. This allows USEPA grant dollars to be allocated within or across media and programs which was not previously possible before. The following grants and/or cooperative agreements are being consolidated under the Performance Partnership Grant:

1. Water pollution control - CWA Section 106 (including groundwater)
2. Public water system supervision - SDWA Sections 1443(a) & 1451(a)(3).
3. Underground storage tanks - SDWA Sections 2007(f)(2)
4. Hazardous waste management - RCRA Section 3011(a)
5. Air pollution - CAA Section 105 (does not include funding of Title V activities)

Given that a Performance Partnership Grant is sought for these five programs, this Agreement serves as the work plan for these programs.

The media specific or enforcement MOA's between EPD and USEPA are in full effect. If a conflict arises between a MOA and this PPA, the dispute resolution process on page 4 shall be used.

### Enforcement

USEPA and EPD share a continued commitment to use a full range of tools from traditional enforcement to compliance assurance activities to strengthen our protection of public health and the environment by directing scarce public resources toward improving environmental results. Both parties recognize that the continuing

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<sup>1</sup> For Federally funded programs administered by EPD, 40 CFR Parts 31 and 35 apply as well as OMB Circulars A-102, A-128 and A-87 and as well as EPA's July 24, 1996 Guidance Document.

foundation of strong enforcement is a necessary and supporting aspect of the new strategies which focus on risk to human health, communities, sensitive ecosystems, and compliance assistance to the regulated community. In many cases, the possibility of enforcement has served to both promote greater participation in new initiatives and to encourage greater innovation by businesses. It has also served well its key role of ensuring a level "playing field" for all businesses.

The parties also recognize that each agency has strengths and expertise to offer and identifiable roles and responsibilities in the enforcement arena. The commitment made in this Agreement is to effectively utilize these respective strengths and areas of expertise and to work together within our respective roles, and given our respective responsibilities, to ensure a strong enforcement presence in Georgia.

The parties agree that USEPA has unique federal enforcement responsibilities as environmental steward. It is USEPA's responsibility to ensure the enforceability of federal environmental regulations; ensure that national standards for the protection of human health and the environment are implemented, monitored, and enforced consistently in all states; foster environmental justice by assuring that environmental pollution does not disproportionately affect minorities and low income groups; establish national priorities for enforcement and compliance assistance based on risk and/or national, interstate and transboundary environmental and compliance problems; evaluate the effectiveness of enforcement and compliance programs and policies on a national level; build state and Tribal capability in implementing federal environmental programs; lead by example by assuring compliance and promoting pollution prevention throughout the federal sector; and empower the public through access to information relating to the environmental performance of individual facilities and sectors.

In light of these responsibilities, USEPA's enforcement role includes:

- (1) enforcing, in coordination with the State as appropriate, to bring an immediate stop to illegal activities that pose actual or potential harm to public health or the environment, or harm to the regulatory program;
- (2) enforcing, in partnership with the State, against sources that pose the greatest risks to human health or the environment and/or having histories of noncompliance, against companies who have engaged in criminal conduct, and to deter and prevent the creation of pollution havens;
- (3) enforcing against corporate sources with significant company-wide noncompliance in several states;
- (4) enforcing against sources where releases to the environment threaten the health or environment of another state or country;
- (5) enforcing to assure compliance with federal consent decrees, consent agreements, federal interagency agreements, judgments and orders;
- (6) conducting multi-media inspections and enforcement at federal facilities; and

- (7) enforcing in non-delegated programs, partially delegated programs, or non-delegable programs.

#### Program Agreement and Review Procedures

EPD commits to follow the established reporting and oversight procedures contained in the existing MOA's. The use of mid-year and end-of-year audits program has proven to be beneficial to EPD and USEPA and will continue.

#### Dispute Resolution

EPD and USEPA will use an agreed upon dispute resolution process to handle the conflicts that may arise as we implement our environmental programs and will treat the resolution process as an opportunity to improve our joint efforts. The dispute resolution process will be in accordance with 40 CFR Part 31.70.

In setting up the resolution process we hereby agree to the following principles:

- We approach the discussion as an opportunity to improve the product through joint efforts.
- We aim for resolution at the staff level, while keeping management briefed.
- We promptly disclose underlying assumptions, frames of reference and other driving forces.
- We clearly differentiate positions and check understanding of content and process with all appropriate or affected parties to assure acceptance by all stakeholders.
- We document discussions to minimize future misunderstandings.
- We pay attention to time frames and/or deadlines and elevate quickly when necessary.
- We deal promptly with conflicts.

For the purposes of this agreement, EPD and USEPA agree on the following dispute resolution, definitions and procedures:

1. Dispute - any disagreement over an issue that prevents a matter from going forward.
2. Resolution process - a process whereby the parties move from disagreement to agreement over an issue.
3. Principle - all disputes should be resolved at the front line or staff level.
4. Time frame - generally, disputes should be resolved as quickly as possible but within 2 weeks of their arising at the staff level. If unresolved at the end of 2 weeks, the issue should be raised to the next level of each organization.
5. Escalation - when there is no resolution and the 2 weeks have passed, there should be comparable escalation in each organization, accompanied by a statement of the issue and a one page issue paper. A conference call between the parties should be held as soon as possible. Disputes that need

to be raised to a higher level should again be raised in comparable fashion in each organization.

The Agreement can be reopened at any time during its term at the request of either the Regional Administrator of USEPA or the Director of EPD. Any modification or amendment to this Agreement must be in writing and made by mutual consent of parties.

The Agreement is hereby entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2005. The Agreement remains in effect until September 30, 2005, unless amended by mutual consent of the parties.

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## CHAPTER 2 AIR PROTECTION

### General

The purpose of this chapter is to set out the commitments for Georgia's air pollution control program for Federal FY 2005. It also describes how State and Federal efforts will meet those commitments and how the State's program performance will be measured. This chapter identifies Core Program Commitments for EPD's Air Protection Branch. These Core Program Commitments represent requirements in statutes, regulations, standing legal agreements between USEPA and EPD, and USEPA National Program Manager guidance. The commitments consist of jointly established goals, objectives, activities, deliverables, and performance measures. They are set out below to facilitate effective environmental management and to form the legal basis for the expenditure of federal grant funds. The commitments set out in this chapter represent the work plan for Air Protection for purposes of EPD's Performance Partnership Grant for FY 2005.

EPD Air Protection Branch's main purpose is to protect the air quality throughout the State and to insure that activities within the State do not adversely impact interstate air quality. In order to do this, limits have been placed on air emissions from industries and other air pollution sources and a strong enforcement program has been put in place. The air is measured throughout the State to determine its quality. If it does not meet federal and state standards, additional controls are required. By doing this, the health and welfare of the general public have been protected.

The USEPA has revised the national ambient air quality standards for ozone and particulate matter. Additional areas beyond the existing metro-Atlanta 1-hour ozone nonattainment area have and will be designated nonattainment for these revised standards.

In addition, new federal rules required by the Clean Air Act Amendments of 1990 will result in more controls of toxic pollutants throughout the State. Specific industry types, from large pulp and paper mills down to small wood furniture manufacturers and printing facilities, will be required to install additional air pollution control equipment to control specific air toxics. These rules will be developed and phased in over several years, with the long-range effect of lowering the overall concentration of toxics in the air and protecting the health of the general public. EPD is committed to implement the air toxics requirements of the Clean Air Act, and to supplement it with its own toxics control program. EPD is also maintaining a statewide ambient air toxic monitoring program, to measure air quality and to ensure that these toxic controls are sufficient to protect the general public.

Further, and as detailed in this chapter, EPD also commits to continue implementing its various programs, such as permitting and monitoring in accordance with federal rules and guidelines and adopting new federal rules in a timely manner. EPD will continue to work with USEPA Region 4 on possible flexibility in those areas that may be impeding progress toward true environmental improvement or may be diverting resources away from activities which support State priorities.

### Core Program Commitments

#### I. Attainment of National Ambient Air Quality Standards (NAAQS)

The Atlanta-area and other parts of Georgia are not attaining national ambient air quality standards (NAAQS) for ozone and particulate matter

- A. Goal: Bring the Atlanta area and other parts of Georgia into attainment status for the ozone and particulate matter standards and insure that activities within the State do not adversely impact interstate air quality.

\* Environmental Indicators:

- Change in monitored levels of ambient ozone and particulate matter, both concentration and frequency of NAAQS exceedances
- Change in ozone and particulate matter precursor emissions.

- B. Objectives:

1. Implement the 8-hour ozone NAAQS program

EPD Activity:

- Continue to develop SIPs, including Early Action Compact SIPs.


EPD Activities:

- Continue to implement enhanced I/M.
- Develop plan to transition to I/M for ozone into the 8-hour ozone nonattainment areas.

EPD Deliverable: Submit biennial performance evaluation to EPA by October 1, 2005.

USEPA R4 Role: Closely coordinate with EPD in I/M program implementation providing guidance on national issues. Provide assistance to develop any necessary revisions to the technical specifications for ASM and OBD testing. Review reports and provide assistance as needed. Provide guidance and assistance to the State regarding data collection, analysis and interpretation of results.

EPD/EPA Activity:

- Implement the approved PAMS data analysis plan. EPD and the EPA Regional Office will work to analyze and utilize the PAMS monitoring data to enhance the attainment control strategy. 

EPD Deliverable:

- Entry of all PAMS data into AIRS within required timelines.

2. Implement the 1-hour ozone attainment SIP

EPD Activities:

- Ensure effective implementation of the elements of the attainment SIP.
- Ensure effective implementation of severe area requirements.

3. Implement the PM<sub>2.5</sub> NAAQS program

EPD Activity:

- Continue to develop SIPs.
4. Implement the regional haze program

EPD Activity:

- Actively participate within VISTAS, the southeastern regional haze planning body.

5. Submit Phase II NO<sub>x</sub> SIP by April 1, 2005

EPD Deliverable: Submit a SIP revision by April 1, 2005.

USEPA R4 Role: Assist EPD in development of the NO<sub>x</sub> emission reduction SIP. Participate in activities to provide assistance in the development of regional control strategies consistent with the time frame of the SIP call on regional NO<sub>x</sub> reductions. Provide technical staff support.

C. Performance Measures

1. Submittal of NO<sub>x</sub> SIP
2. Status of development of ozone SIPs, including submittal of SIP revisions for Early Action Compact areas.
3. Status of development of PM 2.5 SIPs
4. Status of regional haze SIP
5. Status of implementation of 1-hour ozone attainment SIP
6. Status of I/M program revisions

II. Maintenance of National Ambient Air Quality Standards (NAAQS)

The basis of all air quality planning is a good understanding of the historical and existing air quality in the State. An adequate State-wide monitoring network must be maintained to measure air quality levels, to determine attainment status, and to address the national ambient air quality standards.

- A. Goal: To manage Georgia's air quality so that all areas currently meeting NAAQS continue to do so.

\* Environmental Indicators:

- Monitored levels of criteria air pollutants statewide

B. Objectives:

1. Obtain high quality data on air quality by maintaining an EPA-approved State-wide ambient air monitoring network.

EPD Activity:

- Ensure an adequate network size and high quality data to adequately measure State-wide air quality

EPD Deliverables:

- Track trends of criteria pollutants and summarize in the Annual Ambient Monitoring Report, which will be submitted to USEPA R4 by November 1, 2005. This will indicate network status and track ambient trends of criteria pollutants.

USEPA R4 Role: Continue to provide technical assistance to the ambient air monitoring program for the State. Review proposed changes to the network and make the State aware of changes to the monitoring regulations. Review ambient data submittals to assure they meet USEPA data quality requirements and provide regulatory interpretation of applicable statutes.

2. Ensure that monitoring data is used to focus EPD resources towards actions that will maintain air quality standards.

EPD Activities:

- Ensure that ambient air quality data is analyzed for trends and peaks to focus planning resources on possible problem areas.
- If air quality standards violations are detected, find the source(s) of the problem and take action as needed by IV. Compliance and Enforcement, V. Permitting, or other means.

C. Performance Measures

1. Status of ambient air monitoring network and quality of air data.
2. Submission of criteria pollutant trends in the Annual Ambient Monitoring Report by November 1, 2005.
3. Length of time it takes to bring air quality back to acceptable levels through compliance and enforcement, if an exceedance of NAAQS is found.

III. Air Toxics

The air toxics emission standards resulting from the 1990 Clean Air Act Amendments will have a major impact on regulated sources and will result in a significant improvement in air quality statewide. An adequate State-wide air toxics monitoring network must be maintained to measure air quality levels, to determine air quality status, and to address potential impacts on public health.

- A. Goal: To manage Georgia's air quality so that concentrations of non-criteria air toxic pollutants are minimized to protect public health. A primary goal of EPD's Air Toxics activities is to develop and implement a comprehensive program capable of successfully implementing all State and Federal requirements relating to both major and non-major air toxic sources.

\* Environmental Indicators:

- Reductions in air toxics resulting from implementation of MACT standards.
- Monitored levels of ambient air toxics, statewide.

B. Objectives:

1. Ensure full implementation of all Maximum Available Control Technology (MACT) standards.

EPD Activities:

- Identify and provide early outreach efforts to educate and inform regulated sources subject to Maximum Available Control Technology (MACT) standards. This will increase compliance rates and maximize positive air quality benefits.
- Identify, permit, and require controls of MACT sources in accordance with MACT requirements and schedules.
- Provide EPA with copies of all approved alternatives to MACT requirements, including compliance extensions.

EPD Deliverables: Quantify toxics releases and changes in releases of MACT sources, and report status of MACT implementation and changes in releases to USEPA R4 by October 31, 2005.

2. Ensure full implementation of all Section 112 infrastructure programs, including the 112(g) and 112(j) Case-by-Case MACT programs, the Early Reductions Program, and the 112(r) Risk Management Program for major sources and area sources.

EPD Activities:

- Identify and provide early outreach efforts to educate and inform regulated sources subject to Maximum Available Control Technology (MACT) standards. This will increase compliance rates and maximize positive air quality benefits.
- Identify, permit, and require controls of MACT sources in accordance with MACT requirements and schedules.
- Provide EPA with copies of all approved alternatives to MACT requirements, including compliance extensions.

3. Implement State-wide ambient toxics network.

EPD Activities:

- Ensure an adequate ambient air toxics monitoring network size and high quality data to adequately measure state-wide ambient air toxics.
- Work with EPA to coordinate State toxic monitoring work with regional and national efforts, considering the regional and state priorities

EPD Deliverables:

- Include toxics network monitoring data in the Annual Ambient Monitoring Report, to be submitted to USEPA R4 by November 1, 2005. This will indicate network status and track ambient trends of monitored toxic compounds.
- Submit the trends site (South DeKalb) data 180 days following the end of the calendar quarter in which the data are collected. The State initiated air toxic data will be submitted to EPA in the State's format, which USEPA may use to input into AIRS.

USEPA R4 Role: Assist EPD in selecting monitoring sites, parameters, methods and quality assurance procedures, as requested. Assist with peer review and data analyses, as appropriate. Assist State in the use of air toxics data.

C. Performance Measures

1. Description and status of key activities underway to implement MACT standards and other provisions of Title III, including activities with the regulated community, number of permits issued, etc.
2. Status of ambient air toxics network.

IV. Compliance and Enforcement

A. Goal: To maintain an effective compliance and enforcement program.

B. Objectives:

1. Use an inspection targeting strategy that focuses on sources with a higher potential for noncompliance and identifies industry sectors, locations, or rules where additional compliance efforts are needed.

EPD Activities:

- Ensure implementation of the compliance monitoring strategy.
- Where appropriate, incorporate environmental justice and pollution prevention into targeting and planning activities. Participate in multimedia inspections to target remediation, enforcement, and compliance assurance activities.
- Support the acid rain program by conducting periodic audits and/or reviews of the applicable source's continuous emission monitoring (CEM) system.
- Continue to review notifications and conduct inspections of the national emission standards for hazardous air pollutants for asbestos (asbestos NESHAP) activities. Take appropriate compliance and enforcement actions

to eliminate the potential for public harm and provide sufficient deterrence to discourage noncompliance activities.

EPD Deliverables:

- Provide a list of targeted inspections for FY 2005 to USEPA R4 by October 31, 2004.
- Maintain the AFS database with reliable and up-to-date data, so that USEPA may assess the current state of EPD compliance and enforcement activities whenever needed for regional or national use. The level of detail will be discussed and agreed upon between EPD and USEPA R4.

USEPA R4 Roles:

- Continue to coordinate joint media specific and multi-media inspections. Identify to EPD areas of federal interest, cross-regional concern, and/or national concern that may require USEPA or joint USEPA/EPD compliance and enforcement activities or actions. Discuss and work with EPD in setting these priority areas and in determining the proper EPD/USEPA role in these activities.
- Encourage EPD to use innovative compliance measures and indicators that can be used to assess the state of industry compliance, to evaluate the effectiveness of compliance and enforcement activities, and to show measurable benefits to the environment.
- As early as possible, and to the extent practicable, inform EPD of any activities planned which would utilize federal authority to conduct compliance assistance activities, inspections, and sampling activities within the State.
- Continue to either provide or coordinate inspector training courses. Develop and distribute training and compliance assistance materials to EPD, as resources allow.

2. Provide timely and appropriate enforcement actions for significant violators.

EPD Activities:

- Return facilities with significant violations to compliance by continuing to adhere to the goals of USEPA's Timely and Appropriate Response to High Priority Violations (HPV) Guidance. Use the Penalty Calculation Worksheet which has been approved by USEPA R4 in determining appropriate penalties and which will recover economic benefits that are gained by sources through their violating activities. Employ the HPV Guidance specific to asbestos NESHAP violations and collect appropriate penalties, including economic benefits due to noncompliance.
- Promote pollution prevention by encouraging the use of supplemental environmental projects (SEPs) for enforcement actions where substantial penalties are being sought. Such use will be reported to EPA annually.

EPD Deliverables: EPD will meet quarterly with USEPA R4 to discuss compliance and enforcement actions of a substantive nature, to provide a quarterly status report of activities associated with compliance assistance and

compliance assurance and enforcement initiatives, and to discuss EPD and USEPA R4 roles and resources.

USEPA R4 Role: Assist with guidance and provide information on comparable enforcement actions in other states to insure that equitable treatment is administered throughout the Region. Continue to retain the ability to initiate federal enforcement.

C. Performance Measures

1. Status of implementation of compliance monitoring strategy.
2. Status of pollution prevention, multimedia and environmental justice-related inspection activities.
3. Status of acid rain audits.
4. Status of asbestos program implementation.
5. Status of data in AFS.
6. Number and percent of regulated facilities meeting rule or permit limits, based on inspections, review of monitor data and other reports.

V. Permitting

A strong and effective permitting program is critical to ensure compliance with air emission standards and to ensure proper implementation of new rules, particularly air toxics rules. The permit review process and the eventual air quality permit is a good mechanism to prevent degradation of air quality.

A. Goal: Continue strong permitting program as mechanism to prevent degradation of air quality.

B. Objectives:

1. Implement Title V of the Federal Clean Air Act Amendments of 1990, in accordance with the EPA/State Title V Implementation Agreement. The Agreement is negotiated on an annual basis and delineates both USEPA and State roles and responsibilities including deliverables. This Title V Implementation Agreement is incorporated herein by reference.

EPD Activities:

- Ensure that facilities will minimize emissions and meet rule limits and requirements by continuing to implement an effective Title V permitting program.
- Use outreach efforts as much as possible to identify and assist Georgia industry and public interest groups.

USEPA R4 Role:

- Assist Georgia in outreach efforts.
- Assist with timely guidance where requested, particularly regarding consistency in implementation of the federal permitting rules.

2. Maintain an effective and timely New Source Review Permit Program.

EPD Activity:

- Ensure that facilities will minimize emissions and meet rule limits and regulations by ensuring timely review of major and minor permit applications following State and Federal permitting guidelines. Encourage pollution prevention alternatives wherever possible during the application review process.

USEPA R4 Role: Assist with guidance where requested, particularly regarding national consistency in implementation of Federal air emission standards.

EPD Activity:

- Develop a NSR SIP revision
3. Implement the Acid Rain Program in accordance with the EPA/State Title V Implementation Agreement. The Agreement addresses implementation of the Clean Air Act's Title IV Acid Rain Program as part of the overall Operating Permits Program.

EPD Deliverable/Activity: Track trends of acid rain indicators such as precipitation pH in the Annual Ambient Monitoring Report which will be submitted to USEPA R4 by November 1, 2005.

4. Implement an effective Federally Enforceable State Operating Permit (FESOP) Program and/or Practically Enforceable State Operating Permit Program (PESOP), including the implementation of other programs designed to allow potential Title V sources to opt out of the Program via a federally enforceable mechanism (i.e., exclusionary or permit by rule mechanisms).

EPD Activity:

- Ensure issuance of FESOPs and or PESOPs in a timely manner and provide adequate public participation including USEPA R4 review of draft/final FESOP permits.

USEPA R4 Role: Provide timely review of draft permits and assist the State in the resolution of complex permitting issues. Draft and final FESOPs will be reviewed by USEPA R4 in accordance with the Title V Implementation Agreement.

C. Performance Measures

1. Status of Title V permitting program implementation.
2. Status of new source review (NSR) permitting program, including provision of copies of PSD/NSR applications, preliminary determinations and final permits to USEPA R4.
3. Status of Acid Rain Program, including submission of Annual Ambient Monitoring Report.
4. Status of FESOP/PESOP implementation.

## CHAPTER 3 WATER PROTECTION

### General

This chapter sets out the commitments for EPD's Watershed Protection Branch for Federal FY05. It also describes how state and federal efforts will meet those commitments and how the State's program performance will be measured. The Core Program Commitments are derived from requirements in statutes, regulations, standing legal agreements between the USEPA and EPD, and national program guidance. The commitments consist of jointly established goals, objectives, indicators, activities, deliverables, and performance measures. They are set out below to facilitate effective environmental management and to form the legal basis for the expenditure of federal grant funds. The commitments set out in this chapter represent the work plan for Water Protection Clean Water Act (CWA) Sections 104(b)(3), 106, and 319 for purposes of the EPD Performance Partnership Grant for FY05.

### Mission

The mission of the Watershed Protection Branch (WPB) is to protect and enhance the waters of the State through effective monitoring, allocation, regulations, and management of water resources in accordance with State and Federal legislative mandates.

### Principles

- Will strive to meet or exceed the statutory goals, requirements, and deadlines of State and Federal legislative mandates;
- Will utilize strategic planning and a priority setting approach to direct Branch efforts and to facilitate efficient, effective and innovative uses of resources;
- Will strive to provide a work environment that challenges associates to be participating members of a coordinated team effort;
- Will be open, flexible, and amenable to change;
- Will actively solicit input and participation from interested and informed parties;
- Will foster a cooperative working relationship with USEPA and other agencies; and
- Will strive to utilize pollution prevention to meet programmatic and enforcement goals.

### Core Program Commitments

Georgia has adopted a rotating basin management planning (RBMP) approach to watershed protection. This approach includes rotating focused monitoring and inspections, data assessment, TMDL development, TMDL implementation planning, and NPDES permitting on a five-year rotating basis among the fourteen major river basins in Georgia. The following table provides the RBMP schedule for FY05:

Basins of Focus	Calendar Year 2005
Chattahoochee and Flint	Monitoring-Inspections
Coosa, Tallapoosa, and Tennessee	TMDL Implementation
Savannah and Ogeechee	NPDES Permitting
Ochlockonee, Suwannee, Satilla and St. Marys	TMDL Development
Ocmulgee, Oconee, and Altamaha	Data Assessment

This approach provides flexibility for addressing major issues in basins other than the basins of focus. An example of this is the Coosa River Dissolved Oxygen Modeling/TMDL project that will be a high priority for the EPD in FY05.

USEPA funds work plans for Clean Water Act (CWA) Section 104(b)(3), 106, and 319 grants as part of EPD's Performance Partnership Grant for FY05 and FY06. Both USEPA and EPD agree that pass-through grants to other federal and state agencies, local governments, and local governmental entities are critical to successful implementation of these CWA programs and timely fulfillment of EPD's water protection program activities. With this in mind, USEPA will provide EPD with funding for pass-through grants identified in the PPG upon receipt of funds appropriated by Congress for this purpose. USEPA will not delay allocation of these funds to EPD for any reason other than resolution of issues pertaining to a specific pass-through grant for which funds may be withheld.

The surface water protection goal for Georgia is as follows:

- A. Goal: The long-term goal for the Watershed Protection Branch is remove an annual average of 98 miles of stream from the State's list of impaired waters, with assessment to be made in even-numbered years in conjunction with development of the biennial 305(b)/303(d) listing process.

#### Environmental Indicators

For lakes, rivers, and estuaries:

- Can you eat the fish/shellfish?  
Public health criteria met for consumption of fish/shellfish.
- Can aquatic organisms live in the water?  
Water quality standards are met which provide for the support of aquatic organisms.
- Can you swim in the water?  
Water quality standards are met to support recreation.
- Can you boat, canoe, wade in the water?  
Water quality standards are met to support secondary contact recreation.
- Is the water suitable for a drinking water supply after treatment (for designated drinking water supplies)?

- B. Objectives: EPD's primary objectives for the Watershed Protection Branch are to perform the following ten (numbered) functions, in support of its overall goal of increasing waters meeting their designated uses:

1. Monitoring - EPD will monitor facilities, discharges and waters of the State to assess compliance with applicable laws, rules and permits. This includes: (1) compliance inspections at permitted facilities, and 2) water quality monitoring programs to identify problem areas, evaluate trends, and assess environmental and public health risks.

EPD Activities:

- a. Conduct inspections each inspection year (July 1 through June 30) at all major facilities, significant minor facilities in each basin of focus in accordance with the rotating basin management planning schedule and conduct follow-up inspections and/or other action(s) in previous basins of focus with significant non-compliance problems in accordance with the rotating basin management planning schedule. The basins of focus are the Chattahoochee and Flint for calendar year 2005.
- b. Conduct inspections of facilities with significant non-compliance problems, which are outside the basins of focus.
- c. Conduct inspections of at least 125 major facilities (i.e., 125 major facilities out of 176 major facilities) and 66 minor facilities, during each inspection year. EPD will conduct inspections of at least 30 industrial storm water general permit facilities and 300 construction storm water general storm water facilities during each inspection year. These inspection numbers are based on EPD's current NPDES staffing levels. EPD will provide USEPA with copies of the specific water quality inspection reports upon request as a part of USEPA review or audits of Georgia's programs.
- d. Conduct pretreatment inspections during each inspection year on at least one significant industrial facility discharging to Publicly Owned Treatment Works (POTWs) with approved local pretreatment programs in the basins of focus and follow-up inspections and/or other action(s) on facilities in previous basins of focus with significant non-compliance problems.
- e. For the Industrial Pretreatment Program, 100 percent of significant industrial users (SIU) permitted directly by the State will be inspected and sampled by the end of the inspection year.
- f. Conduct a sufficient number of pretreatment audits inspections each year to ensure that each local approved pretreatment program receives an audit at least once every five years. For the Industrial Pretreatment Program, track the submission of POTW reports made under CFR 403.12(i) and review 100 percent of all submissions to determine if appropriate permitting and enforcement of significant industrial users is being made by POTWs.
- g. Conduct pretreatment inspections each year of at least 25 percent pf approved pretreatment programs, including 100 percent of POTWs with approved local programs in the basins of focus, and follow-up inspections and/or other action(s) on facilities in the previous basins of focus with significant non-compliance problems, in each inspection year.
- h. Conduct trend monitoring in the basins of focus and maintain a statewide perspective by conducting monitoring at core stations across the state. A

portion of this resource may be allocated to trend monitoring in the Coosa River in support of the Coosa River Dissolved Oxygen Modeling/TMDL Study.

- i. Conduct intensive surveys in the basins of focus including model calibration studies, Total Maximum Daily Load (TMDL) studies, impact studies, studies to document water quality conditions, and lake studies as resources are available.
- j. Conduct water quality monitoring in other basins as appropriate in response to local problems and issues. A major study in FY05 will be the Coosa River Dissolved Oxygen Modeling/TMDL Study.
- k. Conduct fish tissue monitoring in the basins of focus for use in developing guidance on fish consumption.
- l. Conduct lake standards sampling for nutrients and chlorophyll a at lakes with specific water quality standards.
- m. Conduct coastal monitoring in the basins of focus.
- n. Conduct major lakes monitoring in the basins of focus. A portion of this resource may be allocated to trend monitoring in the Coosa River in support of the Coosa River Dissolved Oxygen Modeling/TMDL Study.
- o. Assess and make use-support decisions on the data collected in 2004 as part of the Georgia sampling program for the Ocmulgee, Oconee and Altamaha river basins for use in the 2006 305(b)/303(d) lists.
- p. Assess and make use-support decisions on the data collected between January 1, 2005, and June 30, 2005, as part of the Georgia sampling program for the Chattahoochee and Flint Basins for use in the 2006 305(b)/303(d) lists.
- q. Submit an annual certification or update for all waters assessed during the previous year to EPA by April 1, 2005 (pursuant to 40 CFR 130.8(d)).
- r. Submit a final Georgia 2006 305(b)/303(d) list to EPA by April 1, 2006.
- s. Submit to USEPA the draft 305(b) report by April 1, 2006. The draft report will be based on the Georgia 2006 305(b)/303(d) list and will be finalized 60 days following the approval of the Georgia 2006 305(b)/303(d) list.
- t. Conduct compliance biomonitoring inspections on an as-needed basis of at least 10 percent of major dischargers with WET requirements in their permits by end of year inspection year. Results must meet test acceptability criteria outlined in EPA-600-4-91-002, EPA 600-4-91-003 and EPA -600-4-90-027F.
- u. Maintain a monitoring strategy that provides for water quality monitoring in Georgia.
- v. Implement improvements in the monitoring program as resources allow.
- w. Enter chemical water quality data from the state ambient water quality monitoring network into the STORET database in a timely manner.
- x. In accordance with 40 CFR 130.4(b), develop, implement, and maintain EPA-approved Quality Assurance Project Plans (QAPPs) for the ambient water

quality monitoring program. The QAPPs and any revisions will be submitted to EPA for review and approval.

2. Rotating Basin Management Planning Approach - EPD will employ a rotating basin management planning (RBMP) approach to address watershed protection issues in Georgia.

EPD Activities:

- a. Continue work in the Ocmulgee, Oconee, and Altamaha River Basins. Tasks include complete focused monitoring, compilation of water quality data and information, assessment of the data and development of use support decisions, and prioritizing problem issues.
  - b. Continue work in the Chattahoochee and Flint River Basins. Tasks include review of available data and information, conduct or focused monitoring, and assessment of the data and development of use support decisions.
  - c. Continue work on the Coosa, Tallapoosa, and Tennessee River Basins. Tasks include complete basin NPDES permitting, review of available data and information, conduct focused monitoring and collect data needed to calibrate and verify a dissolved oxygen model of the Coosa River for development of a dissolved oxygen TMDL.
  - d. Continue work on the Savannah and Ogeechee River basins. Tasks include finalization of TMDLS, basin NPDES permit reissuance, and review of data and information in preparation of focused monitoring.
  - e. Continue work in the Ochlockonee, Suwannee, Satilla and St. Marys River Basins. Tasks include development of draft TMDLs and finalization of TMDLs for 303(d) listed waters and review of information in preparation of basin NPDES reissuance.
3. Compliance Assurance/Enforcement - EPD will resolve permit violations in an effective and expeditious manner by initiating and completing appropriate enforcement actions.

EPD Activities:

- a. Review Operation Monitoring and Discharge Monitoring Reports for all assigned NPDES permitted facilities within 30 days of receipt.
- b. Follow EPD's Enforcement Management Strategy to resolve permit violations in a timely manner.
- c. Take appropriate follow up actions to address analytical laboratory deficiencies identified through USEPA's DMR-QA Program.
- d. Continue to take appropriate actions to address SSOs.
- e. Submit any changes in the State Enforcement Management System for review and approval.
- f. EPD will consult with USEPA regarding the next watershed selection for the MOM (Iteration 2), by a date to be determined by USEPA.

- g. On a quarterly basis, for each major permittee listed on the Quarterly Noncompliance Report (QNCR) that is in significant noncompliance (SNC) status for two or more consecutive quarters, either take a formal enforcement action or refer to EPA Region 4 for formal enforcement, or provide a written explanation of why a formal enforcement action issuance/execution is not required or appropriate.

EPD Deliverables:

- a. EPD will submit the number of MS4 annual reports reviewed in FY05.
- b. EPD will submit semi-annual (April 15th and October 15th) and annual reports including the number of NPDES storm water permit inspections conducted by the EPD for MS4 and for industries covered by the industrial (i.e., including construction) general permit in FY05.
- c. EPD will submit the number of NPDES storm water enforcement actions (i.e. NOV, AO, CO) taken by EPD for MS4s and for industries covered by the industrial (i.e., including construction) general permit in FY05.

USEPA R4 Roles:

- a. USEPA will take appropriate follow up actions to address non-responders identified through the USEPA DMR Quality Assurance program.
  - b. USEPA will assist with enforcement obligations as requested by EPD, including enforcement of storm water permits in basins of focus. USEPA will follow its Enforcement Management Strategy (EMS) with respect to this activity.
  - c. USEPA will review timeliness and appropriateness of enforcement actions identified through the Quarterly Non-compliance Report (QNCR).
  - d. USEPA will assist with attainment of pretreatment commitments as requested by EPD.
4. Water Quality Modeling and TMDL Development - EPD will develop water quality models to support water resource analyses and decision-making processes. This includes the development of wasteload allocations (WLAs), total maximum daily loads (TMDLs), and other control strategies to restore impaired waters or to protect water quality. Development of a dissolved oxygen model of the Coosa River for development of a dissolved oxygen TMDL will be a major effort in FY05.

EPD Activities:

- a. Initiate work on development and calibration of a dissolved oxygen model of the Coosa River for use in developing a revised TMDL for dissolved oxygen.
- b. Model and review WLAs for point sources as needed for new or expanded discharges.
- c. Work with USEPA to jointly develop the Ochlockonee, Suwanee, Satilla, and St. Mary's River Basin workload share agreement for TMDLs to be proposed in FY05.

- d. Propose TMDLs by June 30, 2005, for 303(d) listed waterbodies in the Ochlockonee, Suwannee, Satilla and St. Marys river basins according to the workload share agreement to be developed by EPD and USEPA.

EPD Deliverables:

- a. Report annually status of ongoing TMDLs and EPD field assistance needs. The report will identify TMDLs proposed or established during the reporting period.
- b. Propose and public notice TMDLs by June 30, 2005 for 303(d) listed water bodies in the Ochlockonee, Suwannee, Satilla and St. Marys river basins, according to the workload plan agreement to be developed by EPD and USEPA.
- c. Submit Final TMDLs for the Savannah and Ogeechee River Basins by January 31, 2005 for 303(d) listed water bodies according to the workload plan agreement to be developed by EPD and EPA. This includes submitting copies of all comments received on the proposed TMDLs and the water quality models and results to USEPA.
- d. Notify USEPA when it proposes any TMDLs for public comment by submitting copies of proposed TMDL documents.
- e. Provide an annual update on June 1, 2005 for the TMDL Section of the Continuing Planning Process (CPP) to identify TMDLs that have been developed by EPD or USEPA and approved by USEPA during the previous year and describe how the State intends to implement those TMDLs.
- g. Provide the Regional Development Centers (RDC's) with a copy of both approved and/or established TMDLs within the jurisdiction of each RDC.

USEPA R4 Roles:

- a. USEPA will develop TMDLs for those waters: added to the Georgia 303(d) list by the USEPA December 31, 1996 action (These waters have been identified as potentially impacted by agricultural practices.); in the Chattooga River Watershed that were added to the Georgia 303(d) list by the USEPA June 25, 1997 action; and for any waters (except in the Chattahoochee River Basin in the metro Atlanta region) added to the list in 1998 due to the USEPA two-year guidance. These would be done in accordance with the court-ordered TMDL schedule and the Georgia RBMP schedule.
- b. As resources allow, propose TMDLs by August 30, 2005 for 303(d) listed water bodies in the Ochlockonee, Suwannee, Satilla, and St. Marys River Basins, according to the workload share agreement to be developed by EPD and USEPA. Finalize TMDLs for the Savannah and Ogeechee River basins by February 28, 2005, for 303(d) listed water bodies according to the workload plan agreement to be development by EPD and USEPA.
- c. As resources allow, EPA will set aside federal grant money requested by the State in order to support the development of TMDLs each year. USEPA will provide EPD with a detailed accounting of how State funds are spent by the USEPA contractor.
- d. USEPA will review TMDLs and approve/disapprove within 30 days of submittal. If disapproved, USEPA will develop and public notice TMDL.

5. Permitting - EPD will process and issue in a timely manner, NPDES permits, Industrial Pretreatment permits, and Section 401 Water Quality Certifications which are technically correct, enforceable, and of high quality.

The existing Memorandum of Agreement (MOA) between EPD and EPA remains in effect. This PPA provides for the following interpretive understanding of specific National Pollutant Discharge Elimination System (NPDES) permit review requirements under Section III, Permit Review and Issuance. EPA retains the right to request a review of any permit in accordance with the MOA.

EPD Activities:

- a. EPD will reissue permits prior to permit expiration in accordance with Water Protection Branch permitting procedures and process new permit applications within 90 days of receipt of a complete application.
- b. EPD will continue the NPDES storm water program, which is based upon issuance of NPDES area-wide and general permits.
- c. EPD will participate in the review of Section 404 dredge & fill projects and help identify new alternatives or options that protect water quality.
- d. EPD will strive to modify, revise, or revoke and reissue NPDES permits issued to point source dischargers in waterbodies identified as impaired or thermally-impaired on the current 303(d) List for which TMDLs have been established, in accordance with the TMDL or TMDLs, within eighteen (18) months of the date upon which the TMDL is finalized.
- e. EPD will work to review and renew NPDES permits so that permits within basins will be subject to modification, revocation and reissuance, or termination within the same twelve month period.

EPD Deliverables:

- a. By November 30th of each year, EPD will provide USEPA a list of all major and significant minor NPDES permits that EPD intends to issue in FY05 and FY06 specifically indicating those located within the basin(s) of focus. EPD will provide USEPA a list of all facilities subject to new permit actions based on TMDLs for discharges to 303(d) listed waters on an ongoing basis.
- b. EPD will send USEPA all draft NPDES permit actions, reissuances, and issuances selected from the 303(d) list including an accompanying rationale sheet, application, and WLAs, and for Combined Sewer Overflows (CSOs), MS4 and general permits, and draft major modifications of these same permits.
- c. EPD will send US EPA all draft and final minor permits selected for review.
- d. During FY05, EPD will issue one or more NPDES general permits for at least one group of "look-alike" small MS4s which need to be covered under the Phase II storm water permitting program.

- e. EPD will ensure that all Section 404 projects comply with water quality standards through the Section 401 Water Quality Certification process.

USEPA R4 Roles:

- a. By December 30th of each year, USEPA will submit to EPD a final list of NPDES permits (from the November 30th list) for USEPA review in accordance with 40 CFR Section 123.24(d). USEPA's review of NPDES permits will be targeted toward the basin(s) of focus and other select permits. USEPA may also select any permit from updated lists of facilities subject to new permit actions based on TMDLs for discharges to 303(d) listed waters at any time.
  - b. USEPA will review, comment on, and consider for approval all procedures used to develop and implement permitting processes to address compliance with the Clean Water Act goals of compliance with State water quality standards and elimination of discharges of toxicity into surface waters.
  - c. USEPA supports EPD's use of the streamlined reapplication approach detailed in the Interpretative Policy Memorandum on Reapplication Requirements for Municipal Separate Storm Sewer Systems, CFR 61, 155, August 9, 1996.
6. Rules and Regulations - EPD will ensure the Georgia Rules and Regulations for Water Quality Control clearly and accurately define how State and Federal water quality laws will be implemented.

EPD Activities:

- a. Revise the Georgia Rules and Regulations for Water Quality Control, as appropriate, in FY05.
  - b. EPD commits to work on the water quality standards revisions, including bacteriological and nutrient criteria.
7. Nonpoint Sources - EPD will address nonpoint sources (NPS) of pollution from agricultural, urban, and commercial forestry sources. EPD will coordinate and manage Section 319 Grant funds and implement programs to control, abate and prevent NPS pollution.

EPD Activities:

- a. Require Watershed Assessments in areas where hydraulic capacity expansions of WPCPs are proposed and there are suspected water quality impairments due to nonpoint source pollution.
- b. Revise and implement the Georgia Nonpoint Source Management Program to include agency goals and activities anticipated by EPD and cooperating agencies over the next five years, FY05 to FY09.
- c. Manage and implement the Section 319(h) Nonpoint Source Grant Program (i.e., manage approximately 140 grant-funded contracts/interagency agreements, prepare grant and budget amendments, and prepare semi-annual status reports to EPA.).
- d. Manage and implement the Georgia Adopt-A-Stream Program, expanding the program across the state and increasing participation in rural Georgia. Rural

Georgia is defined as those communities that fall under the Phase II Stormwater Program.

- e. Manage and implement the Georgia Project WET Program with the objective of training a total of 1,100 Georgia educators with the Project WET Curriculum and Activity Guide over two years (FY05 and FY06).
  - f. Coordinate the annual River of Words International Poetry and Art Contest in Georgia, in partnership with the Georgia Center for the Book, the Environmental Education Alliance of Georgia, and other supporting organizations, and have 220 Georgia educators and 2,200 K-12th grade Georgia students participate over two years (FY05 and FY06).
  - g. Facilitate effective commercial forestry and agricultural nonpoint source management programs in cooperation with the Georgia Forestry Commission (GFC) and the Georgia Soil and Water Conservation Commission (GSWCC).
  - h. In partnership with the Georgia Environmental Facilities Authority (GEFA), review applications for utilizing the CWA SRF to fund NPS Projects.
  - i. Establish and maintain a Statewide Nonpoint Source Management Task Force by December 2004.
  - j. Demonstrate progress toward conditions specified in Section 6217 of the Coastal Zone Reauthorization Amendments.
8. Engineering and Technical Assistance - EPD will ensure that wastewater systems in Georgia are planned, designed, and constructed in accordance with acceptable engineering practices.

EPD Activities:

- a. Perform review of engineering documents and active coordination of comments and recommendations with design engineers.
  - b. Perform reviews of biosolid management plans and active coordination of comments and recommendations with planners.
  - c. Continue 205(g) initiatives of MWUE.
  - e. Conduct inspections, review change orders, manage reimbursement requests, and perform other construction management functions in support of SRF with GEFA.
  - f. Provide support to local governments and their engineering consultants.
  - g. Perform anti-degradation reviews for all projects proposing to increase wasteloads via NPDES permits.
9. Public Involvement - EPD will promote public involvement in activities of the Water Protection Branch.

EPD Activities:

- a. Issue press releases and hold public meetings as needed to inform the public.

b. Implement the 13th Annual River Clean Up program in FY05.

10. Data Management - EPD will manage data in an efficient and effective manner.

EPD Activities:

- a. EPD will maintain the Permit Compliance System (PCS) national database and will store trend monitoring data in STORET or a STORET-compatible format.
- b. EPD will continue to maintain non-PCS databases of facilities that have applied for coverage under the NPDES general permits for storm water from industrial activities and from construction activities. EPD will provide information from these databases including number of facilities, inspections, formal enforcement actions and penalty actions to USEPA upon request.
- c. EPD will continue to maintain a non-PCS database of enforcement actions taken by the Watershed Protection Branch for violations of industrial and MS4 storm water permits.

EPD Deliverables:

- a. Upload into PCS all Water Enforcement National Database elements by end of each quarter except as otherwise specified.
- b. EPD will maintain PCS-DMR data entry at a 95 percent level within 58 days after end of each quarter or better during SFY 2005.
- c. Maintain current effluent limits and monitoring requirements data in PCS for all major facilities within 30 days after the last day of each month.
- d. Enter data into PCS for all enforcement actions (NOV, administrative consent orders, administrative orders, etc.), within 30 days after the last day of each quarter (including storm water and CAFO enforcement actions, but excluding storm water NOVs).
- e. For enforcement actions assessing penalties, enter into PCS collected penalty amounts and dates of collection within 30 days after the last day of each quarter.
- f. Enter data into PCS for all major facility inspections conducted each quarter within 90 days after the last day of each quarter.

C. Performance Measures:

The following performance measures will be reported by EPD through PCS or other means:

Compliance

1. Major non-municipals, municipals, and federal facilities in Reportable Non-Compliance (QNCR) during SFY 2005.
2. Number of DMR/QA follow-up actions and State Judicial Actions report forms for SFY 2005.

3. A POTW Pretreatment Program Inspection/Audit Schedule will be prepared for the inspection year, and submitted electronically by June 1, 2005 to the EPA Region 4 Pretreatment Coordinator in a format to be specified by the Coordinator. If subsequent changes to the schedule occur, then they will be submitted similarly with an explanation.
4. A Pretreatment Inspection and Sampling Schedule for significant industrial users (SIUs) permitted directly by the State will be prepared for the inspection year, and submitted electronically by June 1, 2005 as a spreadsheet table to the EPA Region 4 Pretreatment Coordinator in a format to be specified by the Coordinator. If subsequent changes to the schedule occur, then they will be submitted similarly with an explanation.
5. Submit Semiannual Statistical Summary reports as required by Title 40 CFR 123.45(b). This report will be generated by USEPA through the PCS data pull.
6. State-permitted industrial pretreatment SIUs and their permit expiration dates will be maintained in PCS.

Permits, Individual Municipal and Combined Sewer Overflows (Non-Storm Water) & Individual Municipal Facilities (Storm Water)

7. Number of major municipal, minor municipal, MS4, and CSO permits issued, reissued, and expired.
8. Number of major municipal, minor municipal, MS4, and CSO permits for which evidentiary or administrative hearing requests have been received.

Permits, Individual Industrial (Storm Water Only) & Permits designated under Clean Water Act '402 (p)(2)(e) (Storm Water)

9. Number of industrial storm water permits and permits designated as storm water under CWA '402 (p)(2)(e) issued, reissued, and expired.
10. Number of industrial storm water facilities and those designated as storm water under '402 (p)(2)(e) for which evidentiary or administrative hearing requests have been received.

Permits, General (Storm Water Only) & Industrial Facilities (Non-Storm Water)

11. Number of general storm water permits issued and non-storm water general permits issued for industrial facilities.
12. Number of non-construction facilities covered by storm water general permits and the number of industrial facilities covered by non-storm water general permits.

Permits Individual Industrial Facilities (Non-Storm Water)

13. Number of major/minor industrial permits issued, reissued, and expired.
14. Number of major/minor industrial permits for which evidentiary or administrative hearing requests have been received.

### Watershed Protection

15. Status of the state's implementation of the rotating basin management approach to watershed protection.

## CHAPTER 4 PUBLIC WATER SYSTEM SUPERVISION

This chapter sets out the partnership commitments for Georgia's drinking water and ground water protection programs for Federal FY 2005. It also describes how state and federal efforts will meet those commitments and how the State's program performance will be measured.

### I. Drinking Water Program (Public Water System Supervision)

- A. ENVIRONMENTAL GOAL: Safe Drinking Water - Every Georgia public water system will provide water that is consistently safe to drink.

ENVIRONMENTAL OBJECTIVE: By 2005,

1. 93% of the population served by community water systems will receive drinking water that meets all applicable health based drinking water standards;
2. 94% of the population served by community water systems will receive drinking water that meets health-based standard with which systems need to comply as of December 2001;
3. 75% of the population served by community water systems will receive drinking water that meets health-based standards with a compliance date of January 2002 or later;
4. 94% of community water systems will provide drinking water that meets health-based standards with which systems need to comply as of December 2001; and
5. 75% of community water systems will provide drinking water that meets health-based standards with a compliance date of January 2002 or later.

### B. CORE ENVIRONMENTAL INDICATORS:

1. # and % of community water systems (and population served) with one or more violations of health-based requirements during the year, reported separately for violations of the Total Coliform Rule, Surface Water Treatment Rules, Nitrate, Lead and Copper rule, and all other regulated contaminants.

EPD's primary focus is on up front compliance of public water systems. The state wants to continue improving their ability to prevent non-compliance through data management improvements.

#### a. ANNUAL COMPLIANCE REPORT:

EPD Deliverable: EPD will submit an Annual Compliance Report to EPA and the Public by July 1<sup>st</sup> of each year under provision 1414(c)(3)(A) of the 1996 SDWA Amendments.

b. INFORMATION MANAGEMENT: EPA will continue to assist EPD with the upload process and transition from the EPD PWSS Database to SDWIS/STATE. And also, provide training to accomplish three objectives:

- I. Automate Compliance Tracking/Generate Meaningful Reports using SDWIS/STATE;
- II. Integrate EPD public water system and Lab databases through the use of SDWIS/STATE, and;
- III. Integrate EPD SDWIS/STATE use with EPD Regional Offices.

EPD Deliverable: EPD will continue to provide the necessary resources (hardware, software, personnel, etc.) to accomplish the above objectives. With these improvements, EPD will demonstrate improvements in their compliance determination abilities and data integrity.

EPA Deliverable: EPA will continue to provide technical support, when requested, to assist EPD in the upload and use of SDWIS/STATE.

EPA will support other options to assist the State with this transition.

C. CONSUMER CONFIDENCE REPORTING: EPD has received primacy for the CCR and will continue to implement the regulation.

EPD Deliverable: EPD will continue to implement the CCR and will track compliance and enforcement in the SDWIS/State data system.

EPA Deliverable: EPA will provide technical support, when requested, to assist EPD in the implementation of the CCR.

D. SOURCE WATER ASSESSMENT AND PROTECTION: This program was mandated in the 1996 Safe Drinking Water Amendments. It requires delineation of the watershed or wellhead area, an inventory of possible pollution sources (PPS) and a determination of the susceptibility of the sources to those contaminants of concern.

EPD Deliverable: EPD will implement the EPA approved Georgia Source Water Assessment plan for privately-owned community and non-community ground water systems. Source Water Assessment Plans (SWAPs) will be prepared and submitted to the water system owners.

EPA Deliverable: EPA will provide technical support to assist EPD in the implementation of the Source Water Assessment Program.

E. COMPLIANCE MONITORING AND REPORTING: Monitoring of water produced by public water systems in accordance with the Georgia Rules of Safe Drinking

Water and comparable federal regulations is one of the essential functions of a state drinking water program.

EPD is ensuring that PWSs continue to monitor their systems for all microbiological, chemical, radioactivity and unregulated contaminants that are required by state and federal safe drinking water laws, rules/regulations.

EPD Deliverable: Provide EPA with complete and accurate monitoring, reporting and maximum contaminant violations within 45 days after the end of each quarter, and other pertinent reports as requested by EPA.

EPA Deliverable: Review and streamline State reporting requirements, where possible.

- F. ENFORCEMENT ACTIONS: EPD operates and maintains an aggressive on-site program of PWS surveillance, outreach, and technical assistance for the water industry and general public. EPD works closely with the regulated facilities to improve the compliance of PWSs with state and federal drinking water regulations. EPD is expeditiously addressing all acute health concerns and/or violations of acute Maximum Contaminant Levels (MCLs) and takes appropriate action, including enforcement when necessary, for timely resolution and to prevent recurrence. Non-acute violations of MCLs are addressed in a timely manner. Priority is given to enforcement of the Total Coliform Rule (TCR), Lead and Copper Rule (LCR), and the Surface Water Treatment Rule (SWTR). Monitoring and reporting violations are addressed with priority given to enforcement of the TCR, LCR, and SWTR.

EPD Deliverable: EPD will address, including formal enforcement if necessary, all valid significant non-complying systems in a timely and appropriate manner as defined by EPA.

EPD will submit to the federal safe drinking water data base system (SDWIS/FED) changes/updates to the PWS inventory, violation, and enforcement action data bases within 45 days following the end of a quarter, i.e. February 15th, May 15th, August 15th and November 15th. EPD will advise EPA Region 4 of the submittal.

EPA Deliverable: EPA will conduct enforcement activities, if requested by the EPD, or should EPD be unable or unwilling to conduct timely and appropriate enforcement.

EPA will submit to EPD the annual target and quarterly lists of systems determined by EPA, HQ, to be significant non-compliers.

EPA and EPD through negotiations during the first quarter of the federal fiscal year will determine the Significant Non-compliers for the target setting process (Fixed Base) that will be appropriately addressed by EPD before March 31<sup>st</sup>. Systems on the Fixed Base list that EPD is unable or unwilling to address will be referred to EPA for possible EPA formal enforcement.

EPD will submit to EPA a summary of enforcement actions taken 45 days after the end of each quarter.

EPD will provide EPA with a copy of the EPD Enforcement Management System.

LEAD AND COPPER MINOR REVISION IMPLEMENTATION: Supported by the voluntary Drinking Water Fee which contracted Public Water System (PWSs) owners in Georgia pay and the Drinking Water State Revolving Fund (DWSRF), EPD will continue providing assistance to PWSs who need assistance with their compliance of the Lead/Copper rule. EPD will give first priority to systems in violation of these rules and special effort to systems that continue to exceed the action level after installation of optimum corrosion control treatment. EPD will target reducing the lead levels to below the health based action level.

EPD Deliverable: EPD has requested an extension for submitting the LCMR Primacy Package and will implement the LCMR per the agreement submitted to EPA.

EPD Deliverable: EPD has installed the SDWIS/State data system and will use its features to track lead and copper requirements.

EPA Deliverable: EPA will support EPD, when requested, with technical assistance and training.

Security: Since September 11, 2001, the Division has been working to update the emergency contact list for water systems. We now maintain the emergency contact (EC) information in SDWIS/State and use this contact information to e-mail security updates to the systems as we receive them. During this next year we will send out an EC update for requesting that the system verify the information and notify us of any needed changes.

Through the Counter-Terrorism Coordination Grant, the Division has provided training to systems that are required to complete and submit a security vulnerability assessment to EPA. Training is also being provided for system to develop and/or update their emergency response plan. This training is also being made available to systems serving less than 3,300 people. During this next year the Division will start working on providing training on performing tabletop emergency response exercises.

EPD Deliverable: EPD will continue to send out security advisories to the emergency contacts listed in SDWIS/State. As resources continue to be made available, the Division will provide technical assistance and training to systems in the development of security vulnerability assessments, emergency response plans and table top ERP exercises.

EPA Deliverable: EPA will provide technical support and training, when requested, to assist EPD in the drinking water security effort.

IESWTR: This regulation went into effect on January 1, 2002 and all Surface Water

Systems and GWUDI Systems that are serving  $\geq 10,000$  people are required to comply with its provisions. EPD was involved with the early implementation of this Rule and provided technical assistance and training to the effected water systems and provided laboratory services for TTHMs and HAA5s monitoring to determine whether the systems will be required to develop disinfection profiles. EPD also modified the monthly operation report forms for the surface water systems and provided software to the systems to assist them in reporting their activities required by the regulation.

EPD submitted primacy package to EPA and received approval for the IESWTR. EPD also adopted the rules in its entirety by reference to federal regulations. Currently, EPD is implementing and enforcing the regulation and will continue to provide technical assistance to PWSs who need assistance in complying with the IESWTR. EPD currently supports and has been actively involved in EPA's AWOP Program and has received EPA CPE certification for several EPD staff to conduct regulatory CPE's.

EPD Deliverable: EPD will continue to implement the IESWTR and provide technical assistance and laboratory services to the effected PWSs and will track compliance and enforcement in the existing data system.

EPA Deliverable: EPA will provide technical support, when requested, to assist EPD in the implementation of the IESWTR and will provide at least ten hard copies and one electronic copy of all new, proposed or updated EPA guidelines associated with the IESWTR.

- J. Stage 1 DBP Rules: This regulation impacts almost all CWSs and NTNCWSs that add a chemical disinfectant, regardless of system size or source water type. There is no TNCWS that use chlorine-dioxide in the State to be effected by this regulation. Since January 1, 2002, this regulation has already been in effect for all Subpart H systems serving  $> 10,000$  people. EPD was involved with the early implementation of this Rule and provided technical assistance and training to the effected water systems and provided laboratory services for TOC monitoring to determine whether the systems will be required to practice enhanced coagulation. The Stage 1 DBPR also went into effect for those Subpart H systems  $< 10,000$  people and all ground water systems starting January 1, 2004. EPD already provided training and technical assistance to the smaller subpart H systems and has been providing similar services for the groundwater systems. EPD closely worked with the groundwater systems in preparation for implementation of the Rule and in the selection of their TTHM and HAA5 monitoring sites.

EPD also modified the monthly operation report forms for the surface water systems ( $< 10,000$  people) and provided software to systems to help them in reporting with their monitoring and reporting activities required by this regulation.

EPD submitted primacy package to EPA and received approval for the Stage 1 DBPR. EPD also adopted the rules in its entirety by reference to federal regulations. Currently, EPD is implementing and enforcing the regulation and will continue to provide technical assistance to PWSs who need assistance in complying with the Stage 1 DBPR.

EPD Deliverable: EPD will continue to implement the Stage 1 DBPR and provide technical assistance and laboratory services for the required DBP monitoring to the effected PWSs and will track compliance and enforcement in the existing data system.

EPA Deliverable: EPA will provide technical support, when requested, to assist EPD in the implementation of the Stage 1 DBPR and will provide at least ten hard copies and one electronic copy of all new, proposed or updated EPA guidelines associated with the Stage 1 DBPR.

- K. LT 1 ESWTR: This regulation will go into effect in January 2005 and all Surface Water Systems and GWUDI Systems that are serving < 10,000 people are required to comply with its provisions. EPD has already been involved with the early implementation of this Rule and provided technical assistance and training to the effected water systems and provided laboratory services for TTHMs and HAA5s monitoring to determine whether the systems will be required to develop disinfection profiles. EPD also modified the monthly operation report forms for the surface water systems and provided software to the systems to assist them in reporting their activities required by the regulation.

EPD submitted primacy package to EPA and received interim approval for the LT 1 ESWTR. EPD also adopted the rules in its entirety by reference to federal regulations. Currently, EPD is implementing the regulation and will continue to provide technical assistance to PWSs who need assistance in complying with the LT 1 ESWTR. EPD currently supports and has been actively involved in EPA's AWOP Program and has received EPA CPE certification for several EPD staff to conduct regulatory CPE's.

EPD Deliverable: EPD will continue to implement and enforce the LT 1 ESWTR. EPD will provide technical assistance and laboratory services to the effected PWSs and will track compliance and enforcement in the existing data system.

EPA Deliverable: EPA will provide technical support, when requested, to assist EPD in the implementation of the LT 1 ESWTR and will provide at least ten hard copies and one electronic copy of all new, proposed or updated EPA guidelines associated with LT1ESTR.

- L. Filter Backwash Recycling Rule (FBRR): Georgia's FBRR applies to those public water systems that use surface water or ground water under the direct influence of surface water, practice conventional or direct filtration, and recycle spent filter backwash, thickener supernatant, or liquids from dewatering processes. EPD has been involved with the implementation of this Rule and provided technical assistance and training to the effected water systems. Early in 2003, EPD notified all the effected water system and required submittal of their recycling practices prior to December 8, 2003. 100% of the systems complied with the FBRR notification/reporting requirement by December 8, 2003. All effected systems are in compliance with the FBRR requirements. No effected system in Georgia is returning its any specific recycle flow without first going through all processes of the system's complete treatment and filtration system. Early in

2004, EPD also contacted all effected systems to inform and remind them about the recycle flow information collection and maintenance component of the FBRR beginning June 8, 2004.

EPD submitted primacy package to EPA and received interim approval for the FBRR. EPD also adopted the rules in its entirety by reference to federal regulations. Currently, EPD is implementing the regulation and will continue to provide technical assistance to PWSs who need assistance in complying with the FBRR.

EPD Deliverable: EPD will continue to implement and enforce the FBRR. EPD will provide technical assistance and training, as necessary, and will track compliance and enforcement.

EPA Deliverable: EPA will provide technical support, when requested, to assist EPD in the implementation of the FBRR and will provide at least ten hard copies and one electronic copy of all new, proposed or updated EPA guidelines associated with FBRR.

- M. CAPACITY DEVELOPMENT AUTHORITY: Georgia's capacity development authority program to ensure that all new CWS and NTNCWS demonstrate adequate technical, managerial, and financial (TMF) capacity for compliance with the NPDWRs began on October 1, 1999. The two control points include the review and approval of proposed PWSs prior to construction and the issuance of a Permit to Operate a Public Water System. In Georgia's capacity development authority program, local governments have been delegated with the responsibility for deciding how water and wastewater services will be provided in each service area. Before any person may initiate construction of a new privately owned water system, the person must receive concurrence for the project from the local government within its jurisdiction, as well as a denial of water service from the existing local governmentally owned and operated water system. In addition, any person developing a new public water system or acquiring ownership of an existing system must submit a multi-year business plan to demonstrate adequate managerial and financial capacity prior to commencing operation. Engineers in the EPD's Drinking Water Permitting and Engineering Program and District Offices are responsible for the review and approval of proposed public water systems. This includes all required engineering documentation (such as engineering reports, plans and specifications), drinking water source quantity and quality data, business plans, local government concurrence and all other data required for issuance of a permit to operate a public water system.

EPD Deliverable: EPD will continue to implement Georgia's capacity development authority program.

EPD Deliverable: EPD will continue to submit an annual report on the capacity development authority program to EPA, as required to prevent a DWSRF withholding.

EPA Deliverable: EPA will provide technical support, when requested, to assist EPD in the implementation of the program and will keep EPD informed of any new, proposal or updates associated with this activity.

**CAPACITY DEVELOPMENT STRATEGY PROGRAM:** Georgia's capacity development strategy program to assist PWSs in acquiring and maintaining adequate TMF capacity was approved by EPA on September 21, 2000. Under Georgia's capacity development strategy program, all public water systems in Georgia are being offered or provided assistance to help them acquire and maintain technical, managerial, and financial capacity. The assistance includes, but is not limited to, technical engineering review of water system projects, direct on-site technical assistance, in depth sanitary surveys and inspections, proactive compliance and enforcement initiatives, inexpensive and convenient training opportunities, low interest financing alternatives to correct system deficiencies, affordable monitoring and testing services, source water assessment and protection efforts, and other local government initiatives. Georgia's capacity development strategy program is dynamic and will change with the priorities established by EPD and other active stakeholders.

**EPD Deliverable:** EPD will continue to implement Georgia's capacity development strategy program.

**EPD Deliverable:** EPD will continue to submit an annual report on the capacity development strategy program to EPA, as required to prevent a DWSRF withholding.

**EPD Deliverable:** No later than September 30, 2005, and every three years thereafter, EPD will submit a report to the Governor and the public on the efficacy of Georgia's capacity development strategy program and the progress made towards improving the technical, managerial, and financial capacity of PWSs in the State.

**EPA Deliverable:** EPA will provide technical support, when requested, to assist EPD in the implementation of the program and will keep EPD informed of any new, proposal or updates associated with this activity.

**OPERATOR CERTIFICATION PROGRAM:** On May 1, 2001, EPA approved Georgia's operator certification program to ensure that every PWS has an operator, who is trained and certified at the appropriate level, to perform certain key compliance functions for the water system. Under Georgia's operator certification program, the Georgia State Board of Examiners for the Certification of Water and Wastewater Treatment Plant Operators and Laboratory Analysts establishes the minimum qualifications for persons who operate wastewater treatment plants, wastewater collection systems, water distribution systems, public water supply systems, or who conduct certain tests of water or wastewater samples in conjunction with the operation of public water system or wastewater treatment plants. The Board certifies six categories of licenses for public water system operators and laboratory analysts. Requirements for all categories include education, training, experience, and passage of a national examination. Under Georgia's operator certification program, EPD classifies PWSs on the basis of plant size and/or population served, type of source water, and treatment complexity in accordance with Section 391-3-5-.39 of the Georgia Rules for Safe Drinking Water. The system classification determines the minimum level of certification that the operator-in-responsible-charge must possess to operate the water system. When EPD determines a PWS has violated Georgia's operator certification requirements, EPD takes whatever action deemed necessary to ensure the PWS obtains or returns to compliance. The Operator Certification

Board and the Professional Licensing Boards Division of the Office of the Secretary of State handle specific enforcement actions against individual certified operators.

EPD Deliverable: EPD will continue to implement Georgia's operator certification program.

EPD Deliverable: EPD will continue to submit an annual report to EPA Georgia's operator certification program, as required to prevent a DWSRF withholding.

EPA Deliverable: EPA will provide technical support, when requested, to assist EPD in the implementation of the program and will keep EPD informed of any new, proposal or updates associated with this activity.

Radiological Rule: EPD has adopted the new radiological rules and will submit the primacy package to EPA before the December 2004. Initial monitoring has been started and the samples will be analyzed at the radiological lab at Georgia Tech.

EPD Deliverable: EPD will continue to perform the initial monitoring on schedule to complete all community water systems by January 1, 2008. All necessary enforcement will be completed in a timely manner.

EPA Deliverable: EPA will provide technical support, when requested, to assist EPD in the implementation of the program. EPA will continue to provide support in adopting the new method for simultaneous analysis of Ra-226 and Ra-228.

Primacy for new regulations published and finalized: EPD will work toward modifying the laws and regulations and submitting primacy packages for the following:

PN – Rules adopted by GA DNR. Primacy package submitted to EPA.  
Radionuclides – Rules adopted by GA DNR. Primacy package will be submitted to EPA

Arsenic – Rules adopted by GA DNR for 0.01 mg/L. EPA changed the MCL to 0.010 mg/L and the new MCL is up for adoption by the DNR Board December 2004. We are currently analyzing samples at the new MCL. Primacy package will be submitted to EPA

Primacy received for the following: IESWTR and Stage 1 D/DB8 Rules  
Interim Primacy received for the following: FBRR, LT1 ESWTR and LCRM

The following regulations have not been published or made final: Radon, Ground Water Rule, LT2ESWTR, Stage 2 D/DBP Rules and MTBE Secondary Standard.

Although, EPA has not yet finalized the LT2ESWTR, EPD plans to start implementing the anticipated monitoring requirements of the Rule, as soon as the EPD Water Laboratory obtains its certification from EPA for the Cryptosporidium testing. Due to limited EPD Water Laboratory capacity, it is essential that EPD

start this source water monitoring for Cryptosporidium, E. Coli and Turbidity as early as possible for all those surface and GWUDI water systems that are serving >10,000 people. EPD already is involved with the early implementation of this Rule and is providing technical assistance and training to the effected water systems. EPD will also provide laboratory services for the Cryptosporidium and E. Coli monitoring to determine the concentration of Cryptosporidium in the effected system's source water. Based on the concentration of Cryptosporidium in the source, the system will be classified in one of four possible categories (bins). The system's bin assignment will determine the extent of any additional treatment requirement for Cryptosporidium.

In addition, EPD will also get involved with the early implementation of the Stage 2 DBPR, especially with the provision that pertains to the IDSE monitoring for TTHMs and HAA5s. EPD plans to start the required monitoring as early as possible due to limited capacity at the EPD Water Laboratory. EPD is already involved with the early implementation of this Rule and is currently providing technical assistance and training to the effected water systems. EPD will provide laboratory services for TTHMs and HAA5s monitoring for all effected water systems for the selection of final sampling sites under Stage 2 DBPR.

## CHAPTER 5 GROUND WATER PROGRAMS

This Chapter sets out the partnership commitments for EPD's Ground Water Protection Programs for Federal FY 2005. It also describes how state and federal efforts will meet these commitments and how EPD's program performance will be measured.

**GOAL: CLEAN AND SAFE DRINKING WATER:** Ensure drinking water is safe. Restore and maintain oceans, watersheds, and their aquatic ecosystems, to protect human health, support economic and recreational activities, and provide healthy habitat for fish, plants, and wildlife.

**Objective:** Protect human health by reducing exposure to contaminants in drinking water (including protecting source waters), in fish and shellfish, and in recreational waters.

**Subobjective:** Water Safe to Drink: Percentage of the population served by community water systems that receive drinking water that meets all applicable health based drinking water standards through effective treatment and source water protection.

### **EPD Commitments:**

EPD will continue to report on activities funded by the Source Water set-aside authorized in the Drinking Water State Revolving Fund (SRF) pertaining to source water delineations and assessments of ground water systems. The SRF supports two EPD geologists, a drilling crew (two associates), and drilling equipment used to construct ground water monitoring wells and to determine aquifer characteristics at sites impacted or threatened by ground water pollution, including salt water intrusion and surface water problems related to ground water quality and quantity. The SRF also supports two geographic information system specialists, and two associates who prepare source water assessments for privately owned community water systems and non-community water systems.

EPD will continue to develop, maintain and revise Wellhead Protection Plans (WHPP) for all Georgia Community Water Systems (CWS) owned or operated by a municipality, county, or authority. At this time there are 485 well- and spring-supplied CWS with 1,588 ground water sources (wells or springs) operating in Georgia. WHPP have been prepared for all 485 systems. Forty of the CWS are served by karst aquifers, and WHPP have been completed for all of these including delineation of the outer management zones based on technical guidance developed by EPD.

EPD is committed to updating existing WHPP at least once every ten years. All 18 WHPP completed in 1994 and 28 completed in 1995 were updated during FY 2004. There are 63 remaining 1995 plans that will be updated in 2005. Updating includes verifying the number of wells and their locations, well characteristics, pumping rates, etc., and an update of the potential pollution source inventory.

EPD will continue to develop new WHPP for any new CWS that are approved and permitted, including any located in karst areas.

Relevant information for any new wells added to existing systems will be obtained by EPD, and attached to the system WHPP as addenda. Included are the initial well location evaluation provided by the Drinking Water Program, GPS verification of the actual well location, management zones, and a list of potential pollution sources. The new wells will be fully incorporated into the existing WHPP as part of the 10-year update.

EPD will evaluate 52 CWS wells that were permitted and constructed since 2000 after the completion of the initial system WHPP. It is probable that at least this number of wells were added to CWS after completion of WHPP dated 1994 to 2000. These wells also are not included in any WHPP. EPD will evaluate all of these wells, acquire the relevant information, and attach the information to the existing WHPP as addenda. The wells will be fully incorporated into the WHPP during the 10-year updating. This will be accomplished on a time-available basis.

EPD's Drinking Water Program will continue to prepare source water assessments for surface water intakes and privately owned community and non-community groundwater systems. The Source Water Assessment Program commitments are described in Chapter 4, Public Water System Supervision.

EPD will continue to maintain an Ambient Ground Water Monitoring Network strategy that measures and documents long-term trends in ground water quality in Georgia. EPD is currently sampling domestic and other wells in 13 coastal counties, and analyzing the ground water samples for four commonly used pesticides, salinity, and nitrates.

EPD will continue to maintain a fully functioning Ground Water Protection Coordinating Committee comprised of representatives of agencies involved with ground water protection to assist in implementing EPD's Comprehensive State Ground Water Protection Program (CSGWPP). EPD will also provide products that demonstrate implementation of the CSGWPP at EPA's request.

EPD will continue to develop GIS databases for water resources as part of the CWA Section 106 Grant as needed, including the Wellhead Protection Program and the UIC Program databases.

EPD will maintain and support the Georgia Water-Use Program (previously performed by the U.S. Geological Survey under contract to EPD), consisting of collecting, compiling, and disseminating water-use information for the state. The information is used to analyze the source, use, and disposition of State water resources; document trends in water use in Georgia; and develop water-use databases. EPD will compile and publish the information every five years as an Information Circular.

On an as-needed basis, EPD will assign Section 106 personnel to assess salt-water intrusion issues in coastal Georgia and non-regulatory ground water quality or quantity issues throughout all of Georgia.

EPD will continue to operate programs to control the quality and quantity of ground water for present and future needs of the state according to Chapter 4.0 and Appendix A (Criteria 1) of its EPA-approved Core

CSGWPP document. This includes sensitivity analysis of each of each of the sub basins of the Lower Flint River, using a recently developed ground-water model, so that the impact of individual existing or proposed wells on stream flow can be estimated. This work will be performed by USGS under contract to EPD.

EPD will continue to require that installation, sampling, and abandonment of geological or engineering boreholes and monitoring wells be conducted under the direction of a Professional Engineer or Professional Geologist registered to practice in Georgia. A qualified water well contractor licensed in Georgia must perform installation and abandonment of drinking water wells.

EPD will report to EPA, as possible, the Program Activity Measures listed in the following table, as documented in EPA's FY 2005 Workplan, Water Pollution Control Grants, Clean Water Act 106.

	PROGRAM ACTIVITIES MEASURES
10	% of source water areas for CWS that have source water protection strategies in place (cumulative)
11	% of source water areas for CWS that have implemented some aspects of source water protection strategies (cumulative)
13	% of CWS with source waters classified as H, M, L for risk susceptibility. (Classifications to be made starting in 2004)
14	% of CWS for which delineated source water areas will be available in a GIS digitized format using agreed upon data management protocols.
15	Each year, identify at the State level the most prevalent and threatening categories of existing/potential sources of contamination for surface and GW for CWS.

EPA Commitments:

EPA will continue to provide appropriate grants and program guidance.

EPA will continue to provide timely reviews and feedback on deliverables. Joint EPA/EPD evaluation and discussion will be performed on a mid-year (April 2005) and end-of-year (October 2005) schedule. Progress Reports will be provided at mid-year (April 2005) and end-of-year (October 2005).

EPA will provide technical assistance to EPD as requested and available.

## CHAPTER 6 HAZARDOUS WASTE

### General

The purpose of this chapter is to set out the goals and commitments for Georgia's hazardous waste management program for federal fiscal year FY-2005. It also describes how state and federal efforts will be coordinated to achieve or make progress toward those long-term and FY 2005 goals and commitments and how the State's program performance will be measured. The chapter identifies Core Program Commitments for EPD's Hazardous Waste Management Branch (HWMB). The Core Program Commitments represent requirements in statutes, regulations, standing legal agreements between USEPA and GADNR/EPD and the EPA OECA FY 2005-2007 National Program Guidance dated May 19, 2004. The commitments consist of goals, objectives, activities, deliverables and performance measures. They are set out below to facilitate effective environmental management and to form the legal basis for the expenditure of federal grant funds. The commitments set out in this chapter represent the work plan for the Georgia Hazardous Waste Program (generation and management) for purposes of EPD's Performance Partnership Grant for FY-2005.

The Core Program Commitments consist of goals, objectives, activities, and performance measures. With regard to performance measures in particular, the HWMB of EPD has developed and reformed the framework by which it is evaluated and reports its performance. The purpose of this framework is to improve environmental performance and more effectively link goals and achievements with positive environmental results. The environmental performance measures identified below allow for the evaluation of the effectiveness of Georgia's Hazardous Waste Program and reduce the administrative burden and cost by reducing overall number of tracking elements. Emphasis has been shifted to measure environmental outcomes with less emphasis on traditional reporting measures of input and activity. To the extent that our grant resources allow and consistent with our own state needs, we will also focus on several of US EPA's high priorities. Currently we anticipate that waste generated by mineral processing facilities, financial assurance for RCRA facilities, corrective action, and other insurance or financial mechanisms that can be used to achieve compliance with state and federal laws will be incorporated into our strategy. The use of the goals and their associated objectives and activities also provide the program with greater flexibility to apply limited resources to pressing environmental problems and multimedia responses to targeted areas.

Other high priority activities will be incorporated into the work plan as well as the Core Program Commitments. The FY 2005 OSWER National Program Guidance is a logical extension to the activities that the branch has routinely done in the past or has contemplated as a result of other federal legislation such as the federal "Brownfields" law and initiative. Revitalization can be a key element to effective regulatory programs and the HWMB looks forward to working with EPA in this arena. Also, incorporation of the guidance and principles of the One Cleanup Program is yet another area most have been moving toward during the evolution of the various state and federal cleanup programs. Issues related to environmental justice, waste minimization, and responding to accidental or intentional releases are variations of initiatives the HWMB historically conducted. Due to significant resource constraints, our workplan for FY 2005 contains less emphasis than we would otherwise desire on promotion of Environmental Management Systems, school laboratory waste, and the Resource Conservation Challenge. EPD's ongoing efforts to develop and implement the RCRA 2020 Vision will continue through ASTSWMO and strategic planning at EPD. Regardless, the HWMB continues to

maintain a staff of talented, well-trained environmental professionals that can acclimate to the expanded, more comprehensive approach to protection of human health and the environment.

The workplan is structured in the same basic format as previously submitted. In cases where the HWMB is expanding its focus, for example, new attention to solid and industrial waste handling facilities, those elements have been added to appropriate sections. For new activities and measures, as well as joint state and EPA actions, those are located at the end of the workplan.

## CORE PROGRAM COMMITMENTS

### I. Reduction of Hazardous Waste Generation and Increase Recycling

#### A. Goals:

EPD is committed to ensuring that hazardous waste is managed in a manner that is protective of human health and the environment. Compliance assurance and enforcement activities will focus on those facilities posing the greatest risk to human health and the environment. The goal is to attain and maintain a high level of compliance within the regulated community.

In light of continuing concerns regarding protecting human health and the environment, the following factors are to be considered in focusing compliance monitoring efforts:

- ♦ persons that generate, transport, treat, store, or dispose of significant quantities of hazardous wastes; also, focus on industrial solid waste handling facilities that are commercial, abandoned or operated in a manner that is likely to cause releases of constituents into the environment;
- ♦ proximity of facilities that generate, transport, treat, store or dispose of hazardous wastes to population centers or environmentally sensitive areas, including environmental justice communities;
- ♦ persons that generate, transport, treat, store or dispose of hazardous waste which, due to concentration or acute characteristics (e.g., acute toxicity), significantly increases the risk to human health or the environment; and
- ♦ recalcitrant or repeat violators.

EPD will continue monitoring 1995 baseline facilities that produce the most persistent, bioaccumulative, and toxic (PBT) chemicals in Georgia's hazardous waste stream. We will develop the second tier of PBT hazardous constituents to track, and develop a new baseline group of constituents for evaluation when completed. Also, we will evaluate the current list of PBT constituents that are routinely tracked and determine if any previously untracked constituents should be incorporated into Georgia's baseline for FY 2006. Note that although September 30, 2005 is the last day of the ten-year GPRA goal of reducing these PBT waste streams by 50%, EPD reached its 50% goal during FY2003.

#### B. Objectives:

1. Inspect all large quantity generators of persistent, bioaccumulative and/or toxic (PBT) hazardous waste to complete the data collection for the ten-year GPRA goal of reducing these waste streams by 50% from the 1995 baseline. Inspect the treatment, storage and disposal facilities as necessary and pursuant to the schedule outlined below that generate or manage PBT waste.

EPD Activity: Conduct inspections of all large quantity generators and all the treatment, storage and disposal facilities that generate PBT waste. Evaluate efforts and progress toward performance goals certified in their Hazardous Waste Reduction Plans required by State law. Inspections will focus primarily at generators whose waste streams include constituents determined by EPD to be persistent, bioaccumulative and/or toxic (PBT). EPD will continue using the State's PBT identification strategy until the end of FY 2005. EPD has been utilizing this strategy since its development of the baseline of facilities in 1995. EPD is currently in the last year of this strategy. The State will update its existing PBT identification strategy, as necessary, and in accordance with USEPA policies, if appropriate for FY 2006 and beyond. At a minimum, the current PBT list will be expanded to capture additional hazardous constituents that pose the greatest threat to human health and the environment.

USEPA R4 Role: Six Large Quantity Generator inspections will be conducted by Region 4 personnel. In addition, overview at least 5 percent of the inspections conducted, and provide timely comments regarding findings to the HWMB Chief and to the manager of the Coastal District office. Provide technical assistance to EPD on identification of additional or good candidates for consideration to modify the existing PBT waste universe for FY 2006 and beyond. For USEPA's oversight activities in the 25 county Coastal District, coordination of inspections must be arranged with manager of the Coastal District office for inspections done in the Coastal Region.

2. Prepare an annual report by December 30 to evaluate the progress made during the year toward achieving the goals identified in the Hazardous Waste Reduction Plans.

EPD Activity: An annual report will be prepared and made available to the public, which lists the inspections performed to evaluate the progress made during the year toward achieving the goals identified in the Hazardous Waste Reduction Plans. The report will identify opportunities for enhancing the quality of future inspections. A copy of each trip report that details the findings of the inspection and any resulting correspondence to the generator will be available to the public and USEPA R4.

USEPA R4 Role: Review draft of the annual report.

3. EPD supports the goals expressed in the Waste Minimization National Plan and will continue to monitor and actively participate at the national level in workgroups that are refining the national strategy.

4. Develop a strategy to educate personnel in the school districts around the state regarding the correct way to handle laboratory chemicals. The first year of the strategy will focus on educating school administrators on the need and techniques to manage old, outdated or unused laboratory chemicals and cleaning chemicals used for maintenance purposes. This will be an ongoing effort in future cooperative agreement cycles.

EPD Activity: Develop a training program to alert school administrators to the need for proper management of waste laboratory and maintenance chemicals. Use existing materials or programs that EPA has found to be successful to reach this goal.

USEPA R4 Role: Participate with or attend meetings planned to provide additional assurance to the school administrators that these are necessary functions for the schools to complete, and to emphasize that the administrator's behavior inevitably influence the students behavior.

C. Performance Measures:

1. Number of inspections, and corresponding percentage, completed for the large quantity generators and the treatment, storage and disposal facilities to evaluate efforts and progress toward performance goals certified in Hazardous Waste Reduction Plans, as well as PBT goals.
2. Annual report listing inspections completed, including the evaluations of progress made toward achieving goals identified in the Hazardous Waste Reduction Plans at the handlers inspected.
3. Update and/or refine the strategy for implementing the Waste Minimization Plan in Georgia, based in large part on Tier 2 chemicals.
4. A trend analysis for the constituents in Georgia's 1995 baseline and where those constituents are today regarding their percent reduction in terms of waste generation.
5. Number of attendees present at the training and outreach meetings will be an indication of how successful the HWMB was at advancing the "proper management of laboratory and school maintenance chemicals" message initially, with the goal of conducting a certain number of verification inspections at a future time.

II. Assure the Safe Management of Hazardous Waste

A. Goal: By 2005, 95% of hazardous waste handlers will manage hazardous waste according to practices that prevent releases to the environment.

B. Objectives:

1. Conduct annual inspection of at least 20% of large quantity generators, 0.02% of small quantity generators, 80% of the commercial transporters, 28% of the used oil facilities, 33% of the Land Disposal Facility universe, and 50% of all treatment, storage and disposal facilities.

EPD Activities:

a) Conduct annual inspection of facilities listed in objective to determine compliance with the rules under the Georgia Hazardous Waste Management Act (GHWMA). Off-site commercial handlers will be inspected at least annually. Inspections will focus on the generation, physical handling, waste minimization, and management of hazardous waste. Special emphasis will be placed on determining whether the facility is taking steps to eliminate or minimize releases of hazardous waste into the environment. To the extent necessary, the HWMB will provide guidance and direction to anyone needing to dispose of contaminated waste material. Inspections will also be performed for suspected non-notifiers and for complaints

received to assure that wastes are not illegally dumped, burned, or mismanaged. Provide USEPA with planned list of inspections by November 1.

b) Take appropriate follow-up action in response to violations discovered consistent with the State's updated enforcement procedures.

c) Documentation of the inspections will be provided in a trip report maintained in the HWMB files or the offices of the Coastal District. Notices of violation, executed orders, and proposed consent orders which are subject to the provisions of the recently adopted public participation rule, will be copied to USEPA R4 and made available to the public. Notify USEPA promptly of significant violations at off-site commercial TSDs.

d) Prepare a compliance rate report which identifies the number of generators and treatment, storage and disposal facilities inspected and the number and percentage of these handlers inspected that are defined as significant non-compliers as of September 30, 2004 vs. September 30, 2005.

e) The HWMB will begin on-the-job-training of one (1) FTE located in the East Central District (Augusta). This training will focus primarily on compliance evaluation inspections of large quantity generators and commercial transporters.

USEPA R4 Role: Overview at least 5% of the inspections. Be available to assist in inspections, enforcement, and technical support when requested by EPD; coordinate with Coastal District office as described in I. B.1. above.

2. Issue, reissue, deny, revoke, or modify hazardous waste permits to RCRA treatment, storage and disposal facilities as required by law. Review, approve or disapprove of closure plans for RCRA treatment, storage and disposal facilities.

EPD Activity: Apply resources, as necessary, to accomplish permitting efforts, hazardous waste reduction, corrective action activities, risk reduction, and expanded technical assistance activities. Permitting and closure activities will focus on treatment, storage and disposal facilities recently brought under regulation through new rules or by enforcement action and modification or reissuance of existing permits that are expiring. Ensure that all permit expirations (OP020 and PC020 Part B Permit Application Received) have been entered into RCRA Info so that EPA renewals data can be tested, baselines established, and annual goals created. Ensure the OP270 and PC270 codes are entered for expiration dates for all issued permits. EPD expects a substantial effort for permit renewals in FY 2005 due to 13 TSD permits expiring during the course of the federal fiscal year.

USEPA R4 Role: Review proposed permit decisions for selected draft permits, including but not limited to GE Rome, and provide comments. Provide technical assistance on permitting issues when requested. Provide ongoing training to permit writers. Assist EPD in BYP (to the extent this planning continues) permit and closure planning.

3. Participate in selected multimedia community, sector, and/or environmental-based initiatives.

EPD Activity: Due to the abandonment of 3 commercial industrial waste facilities during FY 2004, participate in a sector-based initiative with EPD's Land Protection Branch that will involve inspecting commercial hazardous waste transporters and used oil facilities that also require

solid waste transfer permits-by-rule. EPD has found that some solid waste transfer stations that collect non-hazardous industrial solid waste have also transported, stored and abandoned hazardous waste on-site in violation of RCRA and the solid waste regulations. Work with the Land Protection Branch and Program Coordination Branch to identify and implement needed changes in EPD rules and procedures to prevent future occurrences. Prepare a report describing activities, focus, and conclusions on this and any other Branch initiatives.

4. Ensure controls are in place for hazardous waste combustors (to destroy hazardous constituents in waste and reduce emissions).

EPD Activity: Issue, deny, modify, or revoke permits for hazardous waste combustion facilities consistent with the USEPA National Combustion Strategy.

USEPA R4 Role: Provide guidance and technical assistance as requested, and provide review of selected draft permits.

C. Performance Measures:

1. Percentage of inspections planned in II.B. above that are completed for large quantity generators, small quantity generators, commercial transporters, used oil facilities, and all treatment, storage and disposal facilities to determine compliance with RCRA rules.
2. Number of inspections performed for suspected non-notifiers and for complaints received.
3. Compare the handlers that are classified as significant non-compliers as of September 30, 2004 and September 30, 2005, with the handlers that are classified as significant non-compliers on October 1, 2003 and October 1, 2004, to determine the percentage rate for each federal fiscal year with respect to return to compliance for significant non-compliers that are in compliance on September 30 of the same federal fiscal year.
4. The number and percentage of facilities that hold an operating permit, and/or hold a post-closure permit. This performance is based on all TSDs in the Permitting/Closure/Post-Closure Progress Universe dated October 1, 1997.
5. A report, which describes the activities that EPD has completed with respect to the sector-based solid waste transfer station initiative with EPD's Land Protection and Program Coordination Branches, and any other, selected multimedia community, sectors, and/or environmental-based initiatives.

III. Facility and Site Cleanup/Cleanup and Reuse Contaminated Property

A. Goal: By 2005, 95% of high priority facilities will have current human exposures controlled, and 70% of high priority facilities will have migration of contaminated groundwater controlled as compared to a baseline universe of facilities developed October 1, 1997. Beginning October 1, 2004, there will be a new baseline of facilities that are tracked for final remedy selected and construction of the remedy completed. Georgia's 1997 baseline includes 65 facilities. The 2008 baseline includes 67 facilities, which is made up of approximately 90% of the 1995 baseline with additions and deletions to it. As a general rule, releases of hazardous substances into the environment will be evaluated and cleaned up to minimize exposure to

human health and the environment and to a level compatible with existing and planned land uses. These efforts will be assessed via the following environmental indicators. CA 725 and CA 750 are used to confirm that the immediate threats are under control, while CA 400 and CA 550 are used to track the final steps in the cleanup process.

\* Environmental Indicators:

- 1) CA 725 current human exposures under control
- 2) CA 750 migration of contaminated groundwater under control
- 3) CA 400 final remedy selected for the entire facility
- 4) CA 550 construction of the selected remedy complete

B. Objective: Facilitate and encourage adequate control of RCRA land disposal facilities and solid waste management units through implementation of removal, treatment, stabilization or containment remedies for contaminated source material and contaminated media that may result in migration of contaminants in groundwater or other environmental media. Ensure that adequate control measures are in place to prevent unacceptable exposure of human receptors to hazardous constituents. Compel interim measures, as necessary, prior to finalization of complete facility-wide remedy to ensure protection of human health and the environment.

EPD Activities:

a) By October 1, EPD will verify that RCRA Info has been updated for new and existing facilities in the Corrective Action, Permitting, and Post-Closure Universes (for the purposes of the PPA, new facilities are those entering the universe after October 1, 2004). As a result of the 2005 baseline, the HWMB will focus on final cleanup at the facilities rather than stabilization or other types of interim steps prior to undertaking final cleanup. Once the cleanups are completed, these facilities will be ready to enter the revitalization universe. EPA will notify the State at least 30 days in advance of the due date for the annual Beginning of Year Plan (BYP). The State will furnish EPA with a BYP in the format furnished by EPA Headquarters.

b) Review risk assessments on a prioritized basis and track the number of risk assessments submitted to EPD for review by RCRA facilities.

c) Implement the current Hazardous Waste Minimization and Combustion Strategies for the baseline of combustion facilities. Three facilities, one incinerator subject to MACT and two hazardous waste combusting boilers.

d) Develop and implement RCRA regulatory reforms which address the highest risk wastes.

e) Work with US EPA to develop a facility specific year-by-year strategy that will enable Georgia to achieve its commitments for the FY 2008 national goals for remedy selected, CA (400) and construction of remedy completed, CA (550). (Note: EPD objects to having different percentage goals than those national goals. Moreover, we encourage EPA Region 4 to object on behalf of the Region 4 states that having a higher percentage than the national goals seems to be unfair on its face. We mention this because of the footnote on the tabulation, by region, of regional goals and that the region can impose different percentages, if necessary.)

f) Approve final facility-wide corrective action plans at the baseline GPRA Corrective Action Universe facilities in accordance with the national percentage commitments (Oct. 1, 2004

universe of TSDs) by the end of FY-2008, which includes at a minimum, selection of the remedy, and if appropriate, modification of the permit.

g) Prepare a report by December 30, that documents the actions undertaken during the preceding Fiscal Year that includes all significant program activities and activities at facilities in the GPRA Permitting, Post Closure, and Corrective Action Universes. The report will include a discussion of the effectiveness of the existing corrective action systems, and a status report of Georgia's success with meeting the GPRA FY-2005 Goals and summary of the progress towards the FY 2008 Goals.

USEPA R4 Role: Provide a written statement of findings regarding the performance indicated by the annual report; the finding may be made available for enforcement or technical assistance as requested by EPD.

C. Performance Measures:

The State's performance under this goal will be measured according to progress made in achieving milestones that OSWER has set for the years 2005 through 2008. The performance measures were designed to provide a limited set of data, which reflect the nation's most important waste management and emergency response program priorities. Since they were not intended to cover every activity or task undertaken by the states and EPA, other environmental program and fiscal data will be needed to maintain effective program management. The following performance measures at a minimum, will be used by the RCRA program:

1. Number and percentage of risk assessments (both human health and ecological) reviewed versus submitted.
2. Number and name of EIs completed annually.
3. Number and name of RCRA permits that have expired but have not been renewed yet.
4. Number, name and percentage of facilities that have reached the objectives for the PPA Goals in the entire TSD Universe, not only the GPRA Universe.
5. Number, name and percentage of facilities that have reached the objectives for the GPRA Goals in the Corrective Action, Permitting and Post- Closure Universes.
6. Status of permits or closures activities at all TSDs not in the GPRA Universe.

IV. Industry and Public Outreach

A. Goal: Provide industry and public outreach on hazardous waste management issues.

B. Objectives:

1. Plan and coordinate compliance assistance activities with the hospital sector during FY 2005.
2. Develop a self-certification program for facilities which have notified as small quantity generators of hazardous waste.

#### EPD Activities:

- a) Conduct compliance assistance inspections at hospitals during FY2005.
- b) Development of a self-certification package to address regulations applicable to small quantity generators (SQGs) of hazardous waste.
- c) Continue to implement the Compliance Assistance Program for hazardous waste handlers that are defined as small businesses that request compliance assistance inspections from EPD.
- d) Prepare a report discussing activities of the Hazardous Waste Management Branch in the compliance assistance/education outreach program.

USEPA R4 Role: Provide guidance and technical assistance, as requested. Overview of these inspections should be coordinated with the manager of the Generator Compliance Program, Hazardous Waste Management Branch.

#### C. Performance Measures

- 1. Status of the development of a self-certification program for Small Quantity Generators of hazardous waste.
- 2. Provide a status report detailing activities of the HWMB in the compliance assistance/education outreach program with the hospital sector, which includes the number and percentage of facilities assisted and reached by EPD efforts.
- 3. Status of the HWMB's Compliance Assistance Program for hazardous waste handlers.
- 4. Status of public meetings with citizens and regulated community.

#### V. Revitalization

The HWMB has identified three facilities for revitalization and reuse that currently or at one time were RCRA treatment, storage and disposal facilities. Each one has a different set of circumstances that are driving the reuse decision. The one thing each has in common is the desire to be classified as a "state brownfield" site, which provides both tax incentives and liability protection to prospective purchasers. The three facilities are:

Amercord – Lumber City  
Damar – Marietta  
Seitzingers – Atlanta

Amercord is an abandoned tire cord manufacturing facility that did electroplating among its former operations. Most of the equipment has been removed from the manufacturing buildings, but there are some highly contaminated areas and several pieces of cyanide-laden equipment that apparently were not salvageable. In addition, there is groundwater contamination. Because this is a large tract of land, EPA's parceling guidance may be useful.

Damar is a post-closure care facility that is out of business. It is located next to a private school in Marietta. A non-profit foundation wants to invest a substantial amount of money into Damar to remove source material remaining and contaminated soil down to the groundwater table. The plan is also to treat some contaminated groundwater using in-situ chemical oxidation. These actions will make a substantial improvement in the groundwater situation, but a plume of groundwater with low levels of chlorinated solvents will still exist.

Seitzingers was formerly a lead smelter. It has a post-closure permit. Recently, due to a renewed interest in this part of Atlanta, in part because of the domino effect of Atlantic Station, the property owners removed all of the source material and contaminated soil. Similar to the other revitalization candidates, there is a plume of contaminated groundwater that still exists. The property owner is interested in developing this into cluster homes.

#### VI. Financial Responsibility

Both the state and federal hazardous waste laws, RCRA and the Georgia Hazardous Waste Management Act, require financial assurance for a number of regulated activities. Since these are statutory requirements, the HWMB has endeavored to achieve and maintain some semblance of compliance with these requirements. Problems associated with financial assurance have been elevated at a national level and solutions are being sought by US EPA's Environmental Funding Assurance Board (EFAB), OSW, OERR, OECA, and individual states. Among these minimum requirements are financial assurance for closure and post-closure care; liability for sudden and non-sudden accidental occurrences; and for corrective action at solid waste management units. In FY 2005, the HWMB will:

##### EPD Activities:

- a) conduct file reviews, review cost estimates and permits of all facilities subject to the statutory requirements for financial assurance; and
- b) identify options to achieve, maintain, or restore compliance for these statutory requirements.

USEPA R4 Role: Provide national guidance, policies and technical assistance to evaluate these requirements.

#### A. Performance Measures:

- 1. Report the number of facilities that have and do not have adequate financial assurance for closure and post-closure related activities;
- 2. Report the number of facilities that have and do not have financial assurance for corrective action at solid waste management units; and
- 3. Report the types of financial instruments and the number of facilities that are using a particular type of instrument.

#### B. Mineral Processing

Although this is called mineral processing, which will significantly narrow Georgia's universe of potential facilities, there is further reference to mining. Due to the Beville Exemption,

the HWMB will focus its efforts on a small universe of potential mineral processing facilities. The small universe eliminates the need to develop a screening model. In 2005, however, should USEPA disagree with Georgia's perception of the mineral processing universe, we will develop a model that can be used for prioritization of facilities based on relative risk to each other.

EPD Activities:

- a) Identify a universe of facilities that are or should be considered mineral processors;
- b) Determine if an imminent threat to human health and the environment exists or is likely to occur if appropriate enforcement or management strategies are not put in place; and
- c) Complete a report with recommendations for how to address actual or potential threats to human health and the environment.

USEPA R4 Role: Notify the HWMB of any facilities that US EPA thinks should be included in Georgia's universe.

C. Performance Measures:

- 1. Report the universe of mineral processing facilities that Georgia thinks make up the universe, and provide a qualitative assessment of the potential for harm to human health and the environment that may exist; and
- 2. Initiate the appropriate enforcement action or other type of negotiated resolution that will mitigate the actual or potential threat that may exist.

VII. State Authorization

EPD will continuously update the Rules for Hazardous Waste Management by drafting annual amendments that encompass the final federal RCRA analogues. EPD will continue to provide notice to USEPA of new legislation affecting the state RCRA program. EPD will seek continuous authorization to operate RCRA program in lieu of a federal program.

VIII. MOA/RCRA Reporting

EPD commits to adhere to national reporting requirements and to maintenance of the RCRAInfo national database as set forth in the MOA. USEPA R4 and EPD will jointly negotiate changes to the MOA on an annual basis, or as necessary.

## CHAPTER 7 UNDERGROUND STORAGE TANKS (USTs)

### General

This Chapter sets out the Performance Partnership's commitments for Georgia's UST program for Federal Fiscal Years (FY) 2005. It also describes how State and federal efforts will meet those commitments and how the State's program performance will be measured. The Chapter identifies Core Program Commitments for the Environmental Protection Division (EPD) Underground Storage Tank Management Program (USTMP). These Core Program Commitments represent requirements regarding statutes, regulations, and standing legal agreements between USEPA and EPD. The commitments consist of jointly established goals, objectives, indicators, activities, deliverables, roles and performance measures. They are set out below to facilitate effective environmental management and to form the legal basis for the expenditure of federal grant funds. The commitments set out in this Chapter represent the UST SWDA Sections 2007 (f)(2) work plans for the purposes of the EPD Performance Partnership Grant for FY 2005.

The quality of surface and ground water in Georgia affects human health, ecology and the quality of life. The primary goal of the USTMP is to protect the quality of Georgia's groundwater and surface water and to ensure both human and ecological health through the elimination of releases of regulated substances from leaking USTs. This is accomplished through the improvement of UST management and by providing education and assistance to tank owners/operators (O/Os).

This work plan supports EPA's GPRA GOAL 5, Objective 2: Prevent Releases by Proper Facility Management and Respond to Emergencies. The positive environmental results of this work plan will include improved operational compliance of USTs, which will result in fewer releases of petroleum and other hazardous materials into the environment.

In concern with this core commitment the Georgia EPD will continue to:

- (1) Identify, investigate and resolve violations of the Federal regulations.
- (2) Operate and enforce the existing State UST program.
- (3) Carry out compliance and enforcement initiatives directed at UST systems subject to RCRA Subtitle I requirements.
- (4) Develop regulatory approaches to facilitate closure and cleanup of inactive and/or abandoned UST sites.
- (5) Investigate to determine the causes of new releases (leak autopsies).

The Georgia EPD projects that 2,000 UST compliance inspections will be accomplished in FY05. Reports on the progress of this effort will be included in the STARS and narrative reports required below.

- A. Goal: In concert with the national priority initiative during FY 2005 strategies, procedures and initiatives to implement by FY 2006 an UST Environmental Results Program (ERP) which will within two years of its implementation provide sufficient data to support EPA in its assessment to determine if any improvements are necessary; whether the regulations are working and if any changes are needed.

B. Objectives:

EPD Activities

The total award amount (\$186,675) is used to pay for salaries for the administrative staff positions within the Regulatory Compliance Unit, including: a 0.75 work year for the Program Manager, a 1.0 work year each for two Team Leaders, and a 1.0 work year each for one Environmental Specialists, and the Secretary. At any given time any one of these associates may be involved with any of the following activities:

Develop an UST ERP designed to include the capability of compiling a statistically valid number of compliance evaluations sufficient to determine the substantial operational compliance of the active UST facilities in established focus areas, and to determine the best regulatory approach for preventing confirmed releases.

Prepare work plans to specify the number and type of compliance evaluations performed by the Central Office and District UST Compliance Staff.

Conduct compliance evaluations of UST facilities designed to document compliance or non-compliance with the substantial operational compliance measures.

Prepare enforcement cases for documented violations of the substantial operational compliance measures for noncompliant UST facilities.

Insure for the proper training of new UST compliance staff and for the continuous training needs, updates and re-certifications of the existing staff.

Prepare correspondence related to compliance inspections conducted at UST facilities.

Receive reports of suspected or confirmed releases.

Follow up on reports of confirmed releases, e.g., site visits.

Receive initial site characterization reports.

Receive free product removal reports and determine the practical extent for free product removal.

Request and receive reports of investigations of the magnitude and extent of soil and groundwater contamination, including parameters for MTBE and other oxygenates on a voluntary basis until MCLs are established by EPA.

Require O/Os to determine if the UST system is the source of off-site impacts.

Establish alternative time frame for O/Os to report suspected releases, spills and overfills, and confirmed releases.

Establish alternative time frame for O/Os to investigate and confirm suspected releases.

Investigate to determine the causes of new releases (leak autopsies). An SOP for conducting leak autopsies was developed and implemented during the first quarter of FY 2001. The procedure was incorporated into the suspected and confirmed release tracking processes.

Require tanks to be tested for leaks when a leak is suspected.

Additionally, EPD has developed an "Orphan Tank Strategy" for systematically investigating and handling abandoned/orphaned tanks. The Strategy is used to address only those sites that arise through normal program operations.

## EPD Deliverables

Evaluate UST System Performance to verify the most effective strategy for reducing confirmed releases. EPD has initiated developing an ERP strategy by participating in teleconferences and workshops regarding ERP development. EPD will continue with activities during FY 2005 designed to implement an ERP by FY 2006.

### I. UST Systems Meeting Standards

Improving Compliance is also one of the national priorities identified by OSWER for which EPA has implemented an initiative, and includes a revised definition for the Substantial Operational Compliance (SOC) performance measure. The revised national definition for SOC was completed September 30, 2003. The revised performance measure definition combines leak detection and leak prevention regulations into a single definition. The objective of the Improving Compliance priority is to bring all UST systems into operational compliance and keep them in compliance, with the leak detection, and leak prevention requirements.

- A. Goal: The Compliance and Enforcement section of the UST Regulatory Grant List of Commitments requires EPD to establish a baseline compliance level in FY 2004 and increase it by 1% per year for the next four years.

### B. Objectives:

#### EPD Activities

During FY 2004, EPD conducted compliance evaluation inspections across all segments of the regulated community and documented a baseline level of 61% significant operational compliance in accordance with the definition of significant operational compliance established by EPA on September 30, 2003.

The EPD anticipates the completion of a pilot study of the ERP concepts by FY 2006 to improve the overall performance of active UST facilities included in the pilot study. In the interim the EPD will continue to conduct onsite compliance inspections. Because of continued limited resources a strategy of more stringent enforcement activity was initiated during FY 2004. Other activities for improving Compliance follow:

In an effort to increase overall compliance a workgroup was chartered during the third quarter of FY 2001 to develop recommendations for increasing the number of UST Facilities evaluated each year. The primary recommendation of the workgroup follows:

- At a minimum, an additional 20 compliance officers should be hired to accomplish the inspection goal, of bi-annual inspections of all active UST Facilities.

As needed, revise state authorities and regulations for the state UST program in order to meet federal standards.

Maintain an ongoing tank notification program and capability to report aggregate data derived from the notification requirements to EPA on an annual basis.

Investigate and develop mechanisms to fund the state program.

Maintain a state fund to help owners/operators meet financial responsibility requirements.

Improve state authorities and procedures for an adequate compliance monitoring and enforcement program.

Secure technical assistance and training for state and local personnel for UST program implementation.

Participate in regional and national EPA meetings upon request by EPA; to the extent such participation can be supported by available travel allocations.

Promote compliance with federal and State requirements through outreach efforts designed to disseminate regulatory and technical information to the regulated community. Distribute printed program material to the regulated community and interested citizens and organizations. Make presentations about the UST program to public and private organizations.

Develop a regulatory approach to facilitate closure and clean up of inactive and/or abandoned UST sites (UST Fields). EPD satisfied this requirement by implementing the Georgia strategy (SOP) for abandoned or "orphan" UST facilities.

Continue EPD's closure enforcement strategy, begun on December 23, 1999, including follow-up evaluations of facilities already inspected and of facilities that fail to adequately respond to the warning letter issued during the third quarter of 2001.

Activities to secure contractors were discontinued as a result of the economic down turn. Use of contractors will be reevaluated once the economic forecast improves and / or funding assistance becomes available for this activity.

#### EPD Deliverable

Based on current staff resources the EPD commits to performing 2000 onsite compliance evaluations inspections for FY 2005.

The Desk Audit strategy previously implemented by the Central Office staff was replaced by an initiative to perform onsite inspections beginning the third quarter FY 2004. Additionally, during

the second quarter FY 2004, EPD implemented a more stringent enforcement initiative designed as a deterrent to noncompliance by the regulated community.

EPD will also continue to:

Develop and implement a system for assigning priorities to sites.

Implement enforcement policies and procedures.

Implement public participation procedures.

Implement quality assurance practices.

Actively participate in the state's Ground Water Coordinating Mechanism established by the state's Ground Water Program to support and implement the state's Comprehensive State Ground Water Program.

Maintain an adequately trained staff.

Submit a narrative report thirty (30) days after the end of the second and fourth quarters of the federal fiscal year on the performance measures listed below and other significant accomplishments, changes in program structure, staffing, funding levels and an update on the status of special initiatives undertaken as part of this agreement.

In addition to the above report, submit on a quarterly bases the USTMP monthly report containing cumulative work output data; and the supplemental reports periodically requested by EPA.

## II. Corrective Action for Confirmed Releases –

Where releases have occurred, risk based corrective action will be evaluated and/or remediation will promptly address any adverse effects to human health and the environment.

A. Goal: By the year 2005, increase the cumulative number of sites where corrective action for contamination from USTs has been completed or resolved.

B. Objectives

### EPD Activities

Based on O/O applications, determine the funding source required to assist with the cost of site remediation, utilizing funds either from the GUST Trust Fund or the LUST Grant Award.

Utilize the LUST Grant Award to assist with clean-ups for which no clear ownership or responsible party is identifiable, or in cases of responsible party financial insolvency.

The remaining activities listed under this section may receive funding assistance from either the GUST Trust Fund or the LUST Grant Award depending on the site-specific information. A

breakdown of the specific projects and the source of the funding mechanism are readily available.

Receive, review and evaluate required and voluntarily submitted corrective action plans and reports of the results of implementing the plans.

Establish alternative amount of petroleum spills and overfills that the O/O must contain and immediately clean up.

Investigate and/or require responsible parties to investigate sites to evaluate the source and extent of contamination.

Provide safe drinking water to residents at the site of a tank leak.

Provide for temporary or permanent relocation of residents.

Clean up and/or require responsible parties to clean up contaminated soil and water.

EPD will continue its efforts in the UST Fields area (identification and cleanup of abandoned or idle industrial and commercial UST facilities) during FY 2005.

#### EPD Deliverable:

The EPD will complete at a minimum 253 corrective actions during FY 2005. This commitment is derived from the State-by-State Cleanups Goals – FY 2005, 2003-2007 issued by EPA Region IV.

EPD will use the following performance measures to evaluate the program effectiveness:

1. Number of Confirmed Releases (total)
2. Number of Confirmed Releases that have Contaminated Ground Water and/or Surface Water
3. Number of Confirmed Releases that have Contaminated Drinking Water Sources
4. Number of Cleanups Initiated
5. Number of Cleanups Completed
6. Number of Cleanups Completed that have Contaminated Ground Water and/or Surface Water
7. Number of Cleanups Completed that Contaminated Drinking Water Sources
8. Inventory: Number of Existing USTs, Number of Hazardous Substance USTs, Number of Petroleum USTs, and Number of Closed USTs
9. Percent of Regulated UST Systems in Substantial Operational Compliance Percent of Regulated UST Systems “Equipped to Meet” and in Substantial Operational Compliance with the Requirements for Upgrading
10. Percent of Regulated UST Systems “Equipped to Meet” and in Substantial Operational Compliance with the Requirements for Leak Detection
11. Percent of Regulated UST Systems Universe in Compliance with Requirements for Financial Responsibility.

#### EPA Roles:

EPA will provide guidance from a national and regional perspective on emerging program issues and technical and enforcement assistance on an as requested basis. Grant funds are available for all state program activities. EPA will conduct middle and end-of-year performance reviews and give other performance feedback in accordance with the program delegation agreement.

## Chapter 8 MULTIMEDIA

### PUBLIC PARTICIPATION

EPD will implement measures during FFY 2005 to enhance public participation in the protection of human health and the environment. The quality and quantity of information available to the regulated community and the general public will be increased. A variety of mechanisms will be used, and may include the following;

- Enviro-Net. EPD will refine and implement the database developed to facilitate communication with all of EPD's stakeholders. This system will allow press releases, rulemaking notifications and general correspondence to be efficiently delivered via email or standard mail, and, eventually, fax. It will also serve as a resource for looking up current information and selecting target audiences that can be sorted by numerous varied attributes. This system will also provide for electronic submittal of comments on draft rules to EPD.
- A redesigned website that offers timely availability of a wider variety of information in a user-friendly format. Web access to file documents and interactive characteristics will be incorporated as practical.

Redesign will provide for posting of additional information including: data from the Georgia Ground Water Monitoring Network will be made available by posting annual project reports on the website.

- Maintenance of the toll free information line
- Continued posting and public comment opportunities on selected enforcement orders

### EMERGENCY RESPONSE

The Emergency Response Program responds to the scene of accidents involving the release of hazardous materials. The Program is staffed with a team of 8 full time emergency responders, one Program Manager and two support personnel. On a 7-day a week, 24 hour basis, team members respond to incidents throughout the State. On a yearly basis, nearly 4000 calls are processed through our Emergency Operations Center and forwarded to the Emergency Response Team (ERT). Although many of these calls are actually not emergencies, ERT members respond to nearly 400 emergencies each year. ERT members serve as technical support for other agencies such as fire and police, and have primary responsibility for ensuring compliance with all state environmental laws as an emergency moves into the remediation phase. ERT members work directly with the responsible parties to ensure that all sites are remediated to appropriate standards. Where appropriate the ERT members also collect evidence for enforcement actions and prepare enforcement orders.

The ERT also investigates nearly 1,000 high priority complaints each year. These are non-emergency situations that require a quicker response that other programs are able to

accommodate. Investigating these complaints relieves other programs from the task and provides the responsiveness expected by the public. ERT members prepare enforcement actions as needed to resolve these complaints.

The ERT places a strong emphasis on customer service, seeing our customers as not only being the general public, but also the regulated community and the other programs within EPD. The ERT works closely with other state, local and federal agencies on developing emergency response plans and in participating in various drills and exercises.

The Emergency Response Program also maintains all information submitted to the state as required by the Emergency Planning and Community Right-To-Know Act. This information is provided to local agencies in a database format that allows them to prepare better local emergency response plans.

In FFY 2005, ERT will carry out the following activities:

- Summary information on all calls received through our Emergency Operations Center is maintained in a database. This database includes basic location and type of incident as well as the final resolution of the call. The database is updated weekly as are summary reports.
- Each reported incident is recorded by the ERT on a form which contains information on the actual event, as well as what actions were taken. The files are updated weekly and can provide a quick summary of the history of a spill.
- All ERT responses, either to actual emergencies or to complaints are documented in a detailed report.
- Annually, the chemical inventory data provided to the state as required by EPCRA Section 311/312 are available as a computer database. The entire data-base as well as any requested reports can be provided..

### Environmental Justice

EPD and EPA will incorporate the principles of environmental justice within their statutory authority into programs to ensure no segment of the populations bears a disproportionately high and adverse human health and environment effect from pollution. EPD and EPA will be responsive to building cross-program cooperation in environmental justice planning and implementation.

EPD and EPA will jointly work to achieve the following environmental justice objectives with respect to their programs:

1. Education and Outreach: EPD and EPA will foster a greater awareness of environmental justice issues, both within EPD and EPA.

2. Data Management: EPD and EPA will ensure that their programs have access to information and information management systems necessary to successfully identify, evaluate, and resolve environmental justice issues.
3. Communications: EPD and EPA commit to foster communications on specific environmental justice activities.

EPA is not requiring EPD nor does it expect EPD to perform any environmental justice activities not contained in this PPA.

### INFORMATION MANAGEMENT

EPD will expand /build on information management efforts associated with the One Stop Grant by working cooperatively with South Carolina.

### PRIORITY SETTING FOR FFY 2006

EPD is at a critical time. State funding is being reduced and this reduction will continue for a few years. New priorities, especially in water management, will dominate EPD's workload through 2007. Many EPD senior managers are within a few years of retire-ment. Finally, there is a strong need to relocate EPD work force geographically. This can occur only after EPD develops a corporate database.

The FFY 05 PPA does not reflect these upcoming changes. However, the FFY 06 PPA will definitely be different and will include many of these changes.

EPD and EPA Region 4 will work together in FFY 05 to identify State and Region priorities and to plan to address these priorities starting in FFY 06. This planning will be cross cutting across all environmental media since workloads and persons will be shifted from one media to another.